

STATE OF NEW YORK.

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REPORT

OF THE

Select Committee of the Senate,

APPOINTED APRIL 10, 1868,

IN RELATION TO PASSAGE OF CERTAIN RAILROAD BILLS.

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# STATE OF NEW YORK.

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No. 52.

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## I N    S E N A T E ,

March 10, 1869.

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### REPORT

OF THE SELECT COMMITTEE OF THE SENATE, APPOINTED APRIL 10, 1868, IN RELATION TO MEMBERS RECEIVING MONEY FROM RAILWAY COMPANIES.

#### *To the Senate :*

The Select Committee, appointed pursuant to the resolution passed April 10, 1868, to inquire and ascertain whether any party or parties interested in supporting or opposing any measures relating to railway companies, have, either in person or by agent, directly or indirectly, paid or offered to pay any member or members of the Senate, during that session, any money or other valuable thing, to influence his or their vote or action in "Senate or Committee;" and the further resolution passed May 1, 1868, by which said Committee was authorized to sit during the recess and to report to the next regular session of the Senate; respectfully report :

That your Committee entered immediately upon the duties assigned to them, and have been engaged in the investigation on which they entered at various times during the session of 1868, the recess of the Legislature, and the present session.

Your Committee's attention has been called principally to the great contest of last session between the friends and opponents of what was commonly known as the "Erie bill," which resulted in the passage of an act entitled "An act in relation to the Erie, New York Central, Hudson River and Harlem Railway Companies," passed April 21, 1868.

Your Committee first called before them and examined some of those who had been, by rumor, most widely designated as lobbyists, or persons in attendance on the Legislature, engaged on either side of

this controversy. Messrs. John B. Butcher and Abraham Van Vechten, who were known as opponents of the bill, and Messrs. Hugh J. Hastings, Jay Gould, Julian Williams, and Dyer D. S. Brown, who were among the advocates of the measure; also the treasurers of the Hudson River and Harlem railroads, corporations supposed to be interested in opposing the bill.

These persons all denied any knowledge or information other than that derived from common rumor, of the use or offer of any money or valuable thing, or any promise or offer of moneys for the purposes indicated in the resolution.

The attention of your Committee was next called to an article in the New York *Tribune*, charging that one Senator had taken money on *both* sides, and that over \$100,000 had been paid to influence corruptly the action of other Senators in the premises. They summoned before them the writer of this article, Hon. Horace Greeley, to ascertain the evidence upon which it was written. The name of Hon. Thomas C. Fields was given by Mr. Greeley as that of his informant. Your Committee accordingly examined him, and also Senator Mattoon and Mr. Asahel N. Cole, whose names were mentioned by Mr. Greeley.

Toward the close of the session, a Senator who had received information that led him to believe that a lobbyist had attempted to get money from the friends of the "Erie Bill," on the pretence that he could thereby secure his vote, called the attention of your Committee to such information, in consequence of which subpoenas were issued, and after some difficulty, the attendance of Messrs. John Van Valkenburgh and Lewis F. Payne, was procured. The facts, as testified to by them, are stated in the subsequent part of this report.

Other witnesses were then called, as the facts developed, and statements made to your committee seemed to require. The evidence reported having been taken at various times, as the presence of witnesses could be obtained, is without arrangement. Much of it, too, is simply of a negative character.

Your committee, therefore, think it necessary in this report, to state some of the material facts proved, and the bearing they have upon the subject-matter of the investigation.

The first inquiry naturally suggested, was whether money was actually expended by railway companies, with the *intent* that it should be used for unlawful purposes.

The treasurers of the Hudson River and Harlem Railroads, both testify that no money was drawn from the treasuries of their roads for the purpose referred to. Mr. Drew, the treasurer of the Erie Railway company, until July 1868, also swears that he had no



knowledge of any money being paid out of the treasury of that company for the purpose of procuring legislation ; but he testifies, that Mr. Eldridge, the President of the road, drew \$500,000 out of the treasury before the session of the Legislature, ostensibly for purposes of litigation, which was charged on the books of the company to Mr. Eldridge individually, and which had not been accounted for when he retired from the office of treasurer in July last, and that no money other than that had then been drawn out of the treasury to pay the expenses of the company at Albany. It is evident from the testimony, that large amounts of money were actually paid for various purposes. Mr. Gould paid \$5,000 to Lewis F. Payne, and \$2,000 to some person (he thinks his name was William King), for Mr. D. D. S. Brown, of Rochester, and something more than \$25,000, and he thinks less than \$50,000, not including payment by draft, to counsel and agents. Mr. Thompson paid \$5,000 to Payne, and upwards of \$60,000 to Luther Caldwell, which was refunded to him by the Erie Railway company. It is clear, therefore, that large sums of money did come from the treasury of the Erie Railway company, which were expended for *some* purpose in Albany, for which no vouchers seem to have been filed in the office of the company. The objects of the expenditure cannot be learned from the books of the company. The testimony of Mr. Drew shows where these funds may have come from. Whether the creation of so large a fund as that intrusted to Mr. Eldridge in this instance, the expenditure of which is left entirely to the discretion of a single individual, and for which no vouchers or accounts are required, is usual with railroad companies, your Committee are not informed. It is a question of more immediate interest to stockholders of these companies. Mr. Eldridge being a citizen of, and in another State, his attendance before your Committee could not be compelled. He was invited by letter to appear and testify, but the invitation was not responded to.

The testimony leaves no doubt in the minds of your Committee that large sums of money were, in fact, furnished with the *intent* that they should be used for the purposes of influencing legislation unlawfully. In the only cases in which your Committee have been able to obtain any direct evidence, the moneys so furnished were not, in fact, used for the purpose intended, but went to enrich members of the lobby.

The case of Lewis F. Payne furnishes a remarkable example of credulity on the part of the parties expending money, and of impudence and duplicity on the part of the person receiving it.

Payne was a harbor master in New York, and as such receiving, as he testifies, some \$350 per month. He had never been in the

employ of a railroad company—had no profession, nor any extensive general acquaintance or influence. Still he was paid the sum of \$10,000, as he pretends, for a few days services in Albany, in advocating the “Erie bill.” Mr. Thompson paid him \$5,000 in New York, and Mr. Gould, though he “did not take much stock” in him, as he says (not having heard of Thompson’s payment), gave him \$5,000 here to “smooth him over.” It will not be credited that these amounts were paid him simply for services. They were obtained by him, as no one can doubt from reading the evidence, on the pretense, that with such a sum he could secure a Senator’s vote. The testimony of Van Valkenburgh, with that of Mr. Thompson and Senator Palmer, is conclusive upon this point, and it was only on ascertaining that the Senator referred to was opposed to the bill, and that his character for integrity and honor was so high as to render any effort at producing a change in his views, or action by pecuniary inducements, not only useless but absurd, that the attempt was made to get back the money from Payne, which gave rise to the angry controversy sworn to by Van Valkenburgh, which led to bringing the matter to the knowledge of the Senator, whose surprise and indignation at the discovery of so base an attempt to make merchandize of his good name, caused him to give your committee the information which enabled them to discover these facts.

The case of Luther Caldwell is still more extraordinary.

Mr. Caldwell’s name was first mentioned in the testimony taken before your Committee by Mr. Greeley, who testified, that Mr. A. N. Cole had stated that \$100,000 was placed in the hands of Luther Caldwell and Russell F. Hicks, to influence legislation. Mr. Cole was then called, and while he did not profess to have any actual knowledge on the subject, gave information which led your Committee to call Senator Hicks as a witness. He testified, that in a conversation with Caldwell, in explanation of the fact that he had suddenly left Albany pending the “Erie” contest, Mr. C. had told him (Senator Hicks) that “the party known as the Vanderbilt party, or the opposition to the bill, had made a proposition to him to have him leave Albany; and that he had informed Mr. Gould of the proposition they had made him, and that he told Mr. Gould he was going away; that they (the Vanderbilt party) proposed to give him \$70,000 if he would leave Albany; that they did so, and he went away; that he had before received from the “Erie side” a very liberal compensation for his services; that they wanted him to take his pay in Central railroad stock, but that he refused this and demanded the money, which was paid to him in all kinds of bills.” That he did not say by whom this money was paid, but referred to the “Vanderbilt

party," as "they"—and that somewhere in that connection the name of John B. Dutcher was mentioned.

On Gen. Diven's examination, he was asked if he had any knowledge of money being placed in the hands of Luther Caldwell by the Erie Railway company. His answer was "no." He was then asked if he had any information on that subject derived from any officer or agent of the company. He replied, that he had been told by Henry Thompson, a director of the company, that Caldwell had received a large sum of money, something like \$100,000, just before—a day or so before—the vote was taken, and that he had kept it and left the city.

Mr. Caldwell, himself, after several unsuccessful efforts to procure his attendance, appeared before your committee on the day preceding the commencement of the present session of the Senate. In reply to a question whether he received any money from any officer of the Erie Railway company to be used in securing the passage of the bill, he answered in the negative. A question whether he received money from such source for any purpose, he declined to answer till he could "turn it over in his mind." He also declined to answer "till he had time for reflection." The question whether he knew of moneys being paid by any person interested for or against the bill to any one for the purpose of securing the vote of any senator, and whether he received money from any party interested in opposing the bill—he said he could decide whether he would answer these questions by the next morning, and the committee adjourned to the next morning to give him the desired opportunity for "reflection." Your Committee were in attendance the next day at the appointed hour and place, but Mr. Caldwell did not appear nor has he since been before them, and on inquiry, your Committee have been informed that he is spending the season in some of the southern States. Mr. Russell F. Hicks, whose name appears in the testimony in connection with Mr. Caldwell's, was subpoenaed but did not attend, alleging ill-health as an excuse.

Mr. Henry Thompson has since testified, that he paid Caldwell, at one time, \$10,000, and afterward upward of \$50,000, which was refunded to him by the Erie Railway company, and which was for no specific purpose, unless to influence public opinion through the press.

Mr. E. M. Madden swears, that he was told by Mr. Gould that Caldwell had been to him to get money, as he pretended, for a Senator and Member of Assembly, which he, Gould, had peremptorily refused. Mr. Madden also testifies, that Caldwell told him just before he left Albany that he had seen ex-Senator Dutcher on the Harlem Railroad the day before.

By Senator Hicks' testimony, it will be seen, that Mr. Caldwell claimed that the money he received from the "Erie party" was for his "services," and that received from the "Vanderbilt party" was for "leaving Albany."

It will hardly be believed by the most credulous, that so large an amount — more than men, even of great learning, and distinguished ability, ordinarily acquire by a life-time of industry — was paid by either of these "parties" simply for a few weeks' "services," or the short absence from Albany of Mr. Luther Caldwell.

If these large amounts were paid to Mr. Caldwell for any *lawful* purpose, and such purpose was accomplished, or the money used in good faith, as was intended, there would probably be no hesitation, on the part of those having knowledge, in furnishing proof of the facts. If, as would seem from the evidence, these large amounts of money were diverted from the purpose for which they were paid, and appropriated by the agent selected to his own use, the fact, that no proceedings, civil or criminal, appear to have been instituted against the agent, raises a strong presumption, that it was paid for some unlawful purpose. In that case, those who alone would be likely so complain of the fraudulent diversion might well fear that a criminal prosecution would develop *too much*, and show *too many* criminals, while the legal maxim, "*in pari delictu*," would prove a serious obstacle to success in a civil action.

Your Committee think there can be no doubt, that so large sums must have been intended chiefly for unlawful and corrupt purposes; and, taking this in connection with the evidence of Mr. Drew, and the evidence of the existence of so many "rumors" about the unlawful use of money, the conviction is forced upon the minds of your Committee, as they think it must be upon those of all who peruse this testimony, that some persons interested, both for and against the bill, were furnishing money from *some* source, with the intent and for the purpose of corruptly and unlawfully influencing legislation.

We are next led to the inquiry whether such purpose was actually carried out, by the payment of money to, and its acceptance by any members of the Senate

This inquiry, carried on by members of the body whose reputation is affected by the charge, is of course one of great delicacy and difficulty. Your Committee could not assume, without any charge being made against any senator, that any one had been guilty. They, therefore, adopted the course of examining first the editors of various newspapers, in which charges more or less specific had been made, and then other persons, who were referred to in the testimony, or otherwise, as having knowledge or information on the subject.

The first editor called was Mr. Greeley. He had in an article in the New York *Tribune* used this language: "Can Senator Folger really mean to scout investigation as needless? Does he not know that quite a number of his fellow Senators have sold their votes in the Drew-Vanderbilt quarrel, some of them more than once? Can he not lay his hand at once on the Senator who is currently reported to have sold his vote and influence first to one side for \$15,000, then to the other for \$20,000, insisting that he must have \$1,000 extra for his son? Is he not morally certain that more than \$100,000 have been paid to influence corruptly the action of Senators in the premises?"

Mr. Greeley was asked to what Senator he alluded as having sold his vote and influence first for \$15,000 and then for \$20,000, and replied, "Senator Mattoon," and gave Hon. Thomas C. Fields as his authority for the charge against him. He could state no fact in reference to any other Senator. After detailing his conversation with Mr. Fields, Mr. Greeley was asked if he had any other information in regard to Mr. Mattoon, to which he replied: "I do not know that I have especially; I have the information which you have here, that he agreed with the report on one side and then voted on the other side."

Mr. Fields was then called; he gave his version of this conversation with Mr. Greeley, and said, that he knew no facts relating to the subject of inquiry; that he told Mr. Greeley, that what he stated was mere rumor, and that he did not mention Mr. Mattoon's name, or speak of any fact as within his own knowledge.

The *Lansingburgh Gazette* contained an editorial article charging, that Senator Mattoon had received \$20,000 from Jay Gould to sign a report in his favor, and "had turned squarely round and made a different report." Your Committee called before them Mr. Kirkpatrick, the editor of this paper, who testified, that he knew nothing of the transaction, and did not write the article, but, that it was written by one F. B. Hubbell, then the clerk of a committee in the Assembly. Mr. Hubbell was afterward called and examined, and admitted, that he wrote the article, but testified, that he had no knowledge on the subject, and no information except what was derived from some person who said he had got *his* information from a letter published in the New York *Tribune*.

Mr. Mattoon himself was sworn and examined at length, and testified, that he had never, directly or indirectly, received or been offered or promised any money or other valuable thing to affect his vote or action in the premises.

Your Committee also, in view of the charges made against Mr.

Mattoon, examined many witnesses with reference to the interviews of that Senator with the parties interested in advocating or opposing the Erie bill. It appears, that Senator Mattoon made several visits to different directors of the Erie Railway company after his appointment upon the investigating committee, of which Senator Pierce was chairman. The attention of Mr. Gould, General Diven, Mr. Fisk, Mr. Drew and others was called to these interviews, and all the witnesses so examined, deny any knowledge of any payment, or any offer or promise of any payment to him for any purpose. Mr. Drew testifies, that in an interview with him, before the report of Senator Pierce's committee was made, Mr. Mattoon "intimated as if he would take money if it was offered to him." When asked to give the language of Senator Mattoon, upon which he based this inference, he stated, that "Mr. Mattoon said we cannot go there and live upon what we get, and all that kind of talk; the inference that I drew was, that he would take money if it was offered to him;" Mr. Drew also said, that he had no ground for supposing that Mr. Mattoon wanted money, other than from the conversation, that he had testified to.

The testimony of Mr. Drew was read by the stenographer to Mr. Mattoon, who gave his version of his conversation with Drew, and denied most positively, that he had in any way intimated that he would receive any thing for himself or any other person, for his action in the premises.

A brief statement, in a chronological order, of Mr. Mattoon's connexion with the investigation, may throw some light upon the question. On the 5th day of March, 1868, Senator Pierce introduced a preamble and resolution, reciting, that grave charges had been made in reference to the management of the Erie Railway company; that the general management of the company was conducted by persons who systematically made use of their position to depreciate and destroy the value of the stock of the company, and that the directors had issued out a larger amount of stock than was allowed by law, and providing for the appointment of a committee of three Senators, to investigate such charges. This preamble and resolution were adopted. On the following day Senator Mattoon moved that the committee consist of five instead of three Senators; it was so ordered, and Senators Pierce, Chapman, Humphrey, Mattoon and Bradley were appointed such committee.

On the 10th day of March the committee thus appointed commenced its investigations in the city of New York.

On that day, or the day before, Gen. Diven testifies, that Senator Mattoon called at the office of the Erie Railway in New York, and

saw several directors, and among other things stated "what he regarded as the object and purpose of moving for the committee, and what his motive was for moving for the increase of the committee, and to procure himself to be placed upon it. That the object of moving for the committee was mercenary, and that he, Senator Mattoon, intended no such use should be made of the examination, and he had procured his son to be made assistant sergeant-at-arms; that he was to serve without cost to the State; that he didn't mean the examination should cost the State any thing, and he meant to see that there was fair play."

Pending this investigation, Senator Mattoon had several interviews with different directors of the Erie Railway company, some in New York and some in Jersey City. At one interview Mr. Gould testifies he told him, that the majority of the committee "had found the thing was right," and urged that "some representative of the road should go to Albany in justice to the committee."

On Sunday, Monday and Tuesday (March 29, 30, and 31), Senators Chapman, Humphrey and Mattoon, were in consultation, in preparing a report to some extent favorable to what was understood to be the Erie or Drew side of the question.

Tuesday morning, March 31, Senator Chapman read a draft of a proposed report to Senator Humphrey and Mattoon, which he understood them both to approve, and to which Senator Mattoon made no objection. The same day all the members of the committee met—Senators Pierce and Bradley signed their report, Senators Chapman and Humphrey signed theirs. Senator Mattoon did not sign either, but expressed the opinion, that both were "pretty strong," and he wanted to think of it.

Wednesday, April 1, Senator Mattoon joined with Senators Pierce and Bradley in making a report, sustaining, to the fullest extent, the charges referred to in the original resolution, characterizing the conduct of Mr. Drew as "disgraceful," expressing the belief that Eldridge, Fisk and Gould "were concerned, and probably interested with Drew, in these corrupt proceedings," charging, that these acts were "without authority of law," and that the directors named had taken "advantage of their position and influence for purposes of private gain and emolument," and recommending additional legislation to impose increased penalties for such offenses. The same day Senators Chapman and Humphrey presented the report read the preceding day by Senator Chapman, as above stated, signed by themselves alone, as a minority report.

Mr. Gould testifies, that he was perfectly astounded when he heard that Senator Mattoon had signed this report.

On the 18th day of April, 1868, the "act in relation to the Erie, New York Central, Hudson River and Harlem railway companies," was announced for its third reading, and passed the Senate by 17 affirmative votes, one of which was given by Senator Mattoon.

In the supply bill for 1868 (Session Laws, 1868, page 1586), we find the item, "For J. H. Mattoon, for services and expenses as clerk and assistant sergeant-at-arms of the committee of the Senate appointed to investigate the affairs of the Erie railway company, one hundred dollars."

The course of Senator Mattoon, while upon an investigating committee, in repeatedly paying private visits to the persons whose conduct was the subject of investigation, for the purpose of conferring with them as to matters before the Committee, cannot be justified and has not been excused. But the evidence taken before your Committee, upon a full examination of all persons who were to have made charges against him, and all who had been named as parties with whom he had improper transactions, does not prove the charge that he was "paid or promised any money or other valuable thing to influence his vote or action in Senate or Committee."

No evidence has been given nor any charge made affecting any other senator, except that Mr. Drew also testified to a conversation with Senator Graham, from which he "drew an inference" that that senator wanted money or a promise of money.

Mr. Graham himself denies the use of the language attributed to him by Mr. Drew, and wholly denies the imputation of seeking or asking for any reward.

It appears, that Mr. Drew had before had personal difficulty, both with Senator Graham and Senator Mattoon, and a long litigation with the latter.

The testimony taken before your committee shows very clearly the reckless manner in which charges, attributing crimes to public men, and involving ruin and disgrace to those charged, are made by persons connected with the public press.

The New York *Tribune*, in a conspicuous editorial, charged (interrogatively, but no less clearly than if the allegation had been direct), that one of the oldest Senators in this body *knew* "that quite a number of his fellow Senators had sold their votes in the Drew-Vanderbilt quarrel—some of them more than once." Upon examining Mr. Greeley, who wrote the article, it appeared, that he had no information even as to more than one Senator, and that was derived from a man who stated it merely as a rumor, of the truth of which he had no knowledge. The writer for the Lansingburgh paper named a Senator, as having been guilty of the crime of bribery, upon no



ground other than a statement of what somebody had told him he had read in the New York *Tribune*, not even taking the trouble to read the article referred to as authority. The case of Mr. John F. Mines, a correspondent of the New York *Independent*, Rochester *Democrat*, Brooklyn *Union* and New York *Citizen*, shows still more strikingly the utter recklessness of truth with which such charges are sometimes made. This gentleman, then an *attachee* of the Senate, holding an office by the favor of the Lieutenant-Governor, in which he performed no substantial service, except to draw his salary, after the adjournment of the Legislature, wrote an elaborate article for the *Independent*, in which, among other things, he said, that the Legislature of 1868 was the "worst assemblage of official thieves that ever disgraced the capital of the Empire State." While admitting that there were "honest and pure men in the Senate, who had the good of the people at heart," he stated in this article, that they "were in a powerless minority." It (the Legislature of 1868) "exceeded all its predecessors in corruption. Its private venality was only equalled by its eagerness for public plunder."

Your Committee, having their attention called to this article, over the initials of a person whose connection with the Legislature was so intimate, not only from his official relations to the Senate, but from the fact of his having been the Albany correspondent of several newspapers, and also connected to some extent with the lobby, summoned him before them, to ascertain the basis of his sweeping and deliberate charges. In a long examination, in which he was interrogated fully as to his knowledge, he was unable to state a fact within his personal knowledge to sustain his allegations, or to give to your Committee the name of any person from whom he had received information of any such facts, or in any way to aid your Committee in their investigation. Indeed, this witness stated, that when he heard rumors of corruption, he "purposely investigated no farther;" he "did not try to trace these rumors to facts." With such avidity did this writer for a professedly religious newspaper seize hold of scandalous rumors, utterly regardless of their truth or falsehood, as the basis of a "sensation article," written for pay.

While your Committee recognize fully the right and duty of the press to criticise and comment upon the conduct of men in public life, they are satisfied that such indiscriminate attacks upon a legislative body, based upon idle rumors, and written by men who take pains *not* to ascertain the truth or falsehood of what they write, are not only unjust, scandalous, and in every way reprehensible, but tend directly to encourage and increase the evil which they profess to desire to correct. Public accusers, who purposely abstain from such investi-

gation as will enable them to know the facts, by making indiscriminate and general charges, aid in covering guilt where it really exists, and diverting attention from those who deserve censure and punishment.

The result of the labors of your Committee, may be summarily stated, thus :

1. Large sums of money were expended for corrupt purposes by parties interested in legislation concerning railways, during the session of 1868.

2. Lobbyists were thus enriched ; and in some cases received money on the false pretense that the votes of Senators were to be thereby influenced.

3. There is no proof of actual bribery of any Senator.

4. The newspaper charges made in the instances that were brought to the notice of your Committee, were founded on rumor alone, and have been in no case sustained by the evidence of the writers or other proof.

Your Committee deem it their duty, however, to express the opinion, that, under the law as it now exists, it is almost impossible to prove the crime of bribery, where it has been committed. Both the parties to the transaction (who alone can ordinarily have knowledge of the commission of the crime) are now liable to the same punishment. True, the testimony given by one on the trial of another cannot be used against the person testifying. But the witness well knows that such testimony necessarily gives the clue to evidence by which he himself can be convicted and punished. The result is either a refusal to testify, or remarkable forgetfulness, or something worse.

Your Committee, therefore, recommend a change in the law, by which the giver of a bribe, which is accepted, shall be exempt from prosecution. They recommend this, not from any disposition to palliate the guilt of the party giving bribes, but because public policy requires that the means of obtaining proof should be facilitated—and this can be done only by exempting one of the guilty parties. The guilt of the party who by *accepting* a bribe, betrays a public trust and violates his official oath, is (if there can be *degrees* in guilt of this kind) greater than that of him who gives it. At all events your Committee submit that the Legislature owes it to its own reputation and dignity, to adopt such measures as are best adapted to remove every obstacle that now exists to a full and thorough investigation as to the conduct of any of its members. This change in the existing law, after much discussion, in the recent Constitutional Convention, was inserted as a provision in the proposed new Constitution, and has frequently been urged upon the Legislature. To refuse to adopt

it would subject the Legislature, with some degree of plausibility, if not justice, to the charge of unwillingness to expose itself to the risk of inviting evidence as to the truth or falsehood of the charges so often made against its purity and honor. For the protection of the innocent that may be unjustly accused, from motives of malignity or revenge, it is recommended that, upon trials for this crime, the party charged be allowed to testify in his own behalf.

Your committee are also of the opinion, that some legislation is necessary to prevent the deposit of large sums of money with members of the lobby for purposes of corruption, and to prevent the use of the money of corporations, by their directors, officers or agents, with intent to violate the laws against bribery; and with that view they recommend the adoption, with such modifications and amendments as may seem proper, of the bill "for the more effectual suppression and punishment of bribery," heretofore introduced by their chairman, and now on the files of the Senate.

It is perhaps proper to state, that Senator Edwards, who was originally upon the committee, was, at the close of the last session, excused from serving upon it further, and that Senator Nichols was then appointed in his place.

All which is respectfully submitted.

M. HALE,  
FRANCIS S. THAYER,  
ASHER P. NICHOLS,

*Committee.*

Dated March 11, 1869.



## TESTIMONY.

April , 1868.

The Committee met at the Capitol.

Present—Senators HALE, THAYER and EDWARDS.

*John B. Dutcher*, sworn :

Q. Examined by Mr. HALE: Where do you reside? A. Pawlings, Dutchess county, my residence is, although I am in New York most of the time; I claim that as a residence.

Q. You are in the employ of the New York Central railroad? A. Not exactly in their employ, but I am a director of the Harlem Railway company; I keep the cattle yard at 100th street.

Q. Belonging to the Harlem road? A. Not now; the Harlem Railway company leased those grounds for a term of years at 100th street, between 3d and 4th avenues, and Mr. Allerton and myself bought the lease of them.

Q. Have you, during the present session, been interested in opposing what is commonly known as the Erie Railway bill? A. Yes, sir.

Q. In whose interest or by whose request have you done this? A. Mr. Cornelius Vanderbilt.

Q. Who is president of the Central railroad? A. Yes, sir; of the New York Central.

Q. Have you been in Albany considerable of the time upon that business? A. Yes, sir; that and other matters relating —

Q. Other matters relating to the investigation? A. No; I had nothing to do with the investigation; that and other matters relating to the road.

Q. In the interest of the New York Central, Harlem and Hudson roads? A. More particularly the Harlem and Hudson River roads, although I was requested to look after the interests of that.

Q. By Mr. THAYER: In relation to legislation? A. Yes, sir.

Q. Not for the legitimate business of the roads? A. No, sir.

Q. By Mr. HALE: Have you conversed with senators in relation to opposing the bill? A. Yes, sir; to a certain extent.

Q. Have you been furnished with money for the purpose of such opposition? A. No, sir; I will answer that question promptly.

Q. Have you known of money being sent here for the purpose of influencing legislation on this subject? A. No, sir.

Q. Have you heard any parties interested either in opposing or advocating the Erie Railroad bill, as it is called, speak of having money for such purposes? A. Yes, sir; I have heard a great deal about it.

Q. Have you heard any party thus interested speak of having money in his possession or under his control to use for such purposes?

A. I have not, sir.

Q. Have you offered or suggested to any Senator that he could have money for opposing or voting against this bill? A. No, sir; I have not.

Q. Have you heard any Senator say that he had been offered money for either opposing or supporting that bill? No, sir; I don't think I have myself; I don't think I have; I have heard vague rumors, but not of my own knowledge.

Q. I am asking what you have heard Senators say? A. No; I have not.

Q. Have you heard any Senator say that it had been intimated to him that he could have money for sustaining or opposing that bill? A. No, sir; I don't think I have.

Q. You speak of having heard rumors in regard to it; from whom have you heard such rumors? A. That I cannot say; there have been general rumors flying about the capitol.

Q. Name what you can; I don't suppose you can state every body, but those you can think of. A. I have heard a great many say so.

Q. Mention some. A. Well, I don't know now as I could call any particular one to mind, but it has been generally talked around, publicly, that such was the fact.

Q. Can't you mention any person from whom you have heard such rumors? A. Well, I have heard it from several gentlemen; they did not speak of their own knowledge, as I know of; I heard various men converse about it.

Q. Mention some of them? A. Well I think I have heard Mr. Abraham Van Vechten speak of it—I think I have heard him speak of rumors.

Q. What rumors did he speak of? A. And others—a great many others.

Q. Mention the others you can think of? A. I think I have heard Mr. Hugh Hastings speak of it.

Q. Any body else? A. I cannot say; yes, I think I have heard a good many others; I don't remember now, positively, but I think I have heard a great many others.

Q. In speaking, did Mr. Van Vechten or Mr. Hastings speak of having themselves offered money or made promises? A. No, sir; they did not.

Q. Were you authorized or requested by Commodore Vanderbilt to use money in defeating this bill? A. I was not, sir.

Q. Or by any body else? A. No, sir.

Q. Have you heard Commodore Vanderbilt, or any one interested in the defeat of this bill, express a willingness to pay money, to secure its defeat here? A. I have not, sir.

Q. Have you any knowledge or information in regard to any money being paid, offered or promised to any member of the Legislature, during the session since the appointment of a Senate committee of investigation into the affairs of the Erie Railway company? A. No, sir, I have not.

Q. What other persons, to your knowledge, have been employed by Mr. Vanderbilt to oppose the passage of this bill, in Albany? A. Well, sir, there is Mr. Chauncey M. Depew, he is the regular attorney of the Hudson River railroad, and there have been several attorneys here; I don't know that they were employed by Mr. Vanderbilt directly.

Q. I mean on that side? A. There is Mr. Sandford E. Church; Mr. Horace F. Clark is attorney; I don't know that he was employed—he was there at all events.

Q. By Mr. THAYER: Men that interested themselves in the defeat of that bill? A. Yes, sir; Mr. Rapallo, Mr. Spencer, and Charles O'Connor; they were sent here by parties interested, whether by Mr. Vanderbilt or some other party, I don't know.

Q. By the Vanderbilt interest? A. Well, by the stockholders.

Q. The interest that he is connected with? A. Yes, sir.

Q. Any body else? A. I don't think—not employed directly by them; I have employed Mr. George Bliss here since I have been here, and some other parties.

Q. George Bliss? A. Yes, sir; Col. Bliss and Mr. Abraham Van Vechten, and Mr. A. D. Barber.

Q. Is that all you know of? A. Mr. George A. Jones, I think; he has not had much to do with it any way I guess, but a little.

Q. Do you know of any one else? A. Mr. Henry R. Pearson was requested to come here, Ex-Senator; I think he was requested to come here by Mr. Vanderbilt himself; I don't know.

Q. That is all you know of? A. That is all I think of; there may be others that I don't recollect of now.

Q. Have you now no knowledge or information that any of these persons have been furnished money to use in opposing this bill? A. No, sir; I have not.

Q. Neither knowledge or information? A. No, sir; that is what you call information; I have no knowledge of it at all events; I don't know that I have any positive information.

Q. I don't ask for positive information? A. No, sir.

Q. Any information whatever; have you ever heard any of those persons (I will mention Mr. Van Vechten, Mr. Barber, and Mr. Chauncey M. Depew) speak of using money here for such purpose?

A. I never heard them say that they had used any money for such purpose.

Q. Have you heard them say, that they had it here to use for such purpose? A. No, sir.

Q. Or that they had it here at all? A. No, sir.

Q. Or that they had offered it? A. No, sir; I don't think I did.

Q. Or that they had told any member of the Legislature that he could have it? A. No, sir.

Q. Have you heard or known of any member of the Legislature using money with his fellow members to secure such opposition? A. Have I known of it?

Q. Known or heard? A. I have not known any thing of it; I have heard of rumors in the press; I have no knowledge of it.

Q. You say you heard rumors in the press; have you ever heard any person speak of having money themselves for that purpose? A. To use with any member of the Legislature?

Q. Yes, sir. A. No, sir, I have not; I never conversed with any of the members of the Legislature in regard to this matter.

Q. Have you heard any member say that he has been offered money? A. I don't think so.

Q. By Mr. EDWARDS: What inducement were you authorized to offer to members of the Legislature for their support or opposition to this bill? A. Not any thing more than argument; but on the contrary, Mr. Vanderbilt told me after my first interview with him, after the bill was introduced; I think I met him at the Hudson River railroad depot; I believe I was here in Albany the day the bill was introduced, and I have had but one or two interviews with him since here in regard to this matter at all; he then stated to me, in the presence of several gentlemen, I don't remember who was in there, that he never had or would he ever use, or be a party to using any money in the legislative body.

Q. By Mr. HALE: Who is the treasurer of the Harlem railroad? A. Cornelius Vanderbilt, Jr.

Q. Who is the treasurer of the New York Central? A. Mr. E. D. Worcester.

Q. And the Hudson River? A. C. C. Clark.

Q. Do you know who has paid the expenses of counsel and men employed here? A. I do not, sir; these men I have employed here myself I have not paid yet.



Q. To whom do you look to for pay for your own services? A. I do not look to anybody; my services are rendered gratuitous, and always have been since I have been connected with the road.

Q. It is a personal interest with you as a director of the road? A. Yes, sir.

Q. I supposed you were employed and paid? A. No, sir.

Q. By Mr. THAYER: You are acting for your own interest? A. Yes, sir; I have a very large interest; a large amount of stock in this matter connected with those yards, and interest in the traffic; I never received any compensation from any railway company whatever to my knowledge for any service rendered.

Q. By Mr. EDWARDS: What are the influences that you proposed to bring to bear on members to influence them in regard to this matter? A. I never proposed to bring any thing to bear but argument.

Q. By Mr. THAYER: On the merits of your case? A. Yes, sir; we always supposed we had the right of the case, and must triumph; that has been my idea, as far as I am concerned, or have any knowledge of it.

Q. By Mr. EDWARDS: Have you heard the name of any senator mentioned as having—? A. I don't think that is a proper question.

Q. By Mr. HALE: Why not? A. You probably heard rumors the same as I have; I would not like to mention them because I do not think it is a proper question.

Q. What is the nature of the rumors you have heard concerning the use of money in regard to this legislation? A. I have heard so many that I cannot tell; I don't know that I can tell; I can tell the nature of the general rumors that are afloat about the capitol.

Q. What are these general rumors? A. Well, that money is being paid for senators' votes.

Q. Have you heard such rumors frequently? A. Well, I don't know what you mean by that.

Q. Are not such rumors common and current about the capitol, that large sums of money would be paid for votes? A. Yes, sir.

Q. What sums have you heard of being paid or offered to senators for their votes on this bill? A. I could not state now; all the way up, from various sums.

Q. I do not mean all, but give your knowledge on the subject? A. From five to one hundred thousand dollars, I have heard.

Q. From whom did you hear those rumors? A. I think I mentioned two persons; I don't know that I heard these rumors from those persons, but general rumors; I have heard it talked of in the community.

Q. It is currently reported that large sums of money have been paid for senators' votes on this question? A. It was reported that large sums were paid and offered.

Q. Have you heard such rumors from any one professing to have knowledge on the subject? A. I don't know that I have, sir.

Q. On either side? A. That is, personal knowledge.

Q. Yes, sir? A. No; I don't know that I have.

Q. From any person professing to have knowledge from the admission of any senator? A. No, sir; I don't think I have; I have talked but very little about such things since I have been here; I merely mention Mr. Hastings and Mr. Van Vechten, and they are general rumors, as I have heard others talk in reference to this matter.

Q. Have you heard any person interested in opposing or advocating this bill, say they would be willing to, and were willing to pay money for votes here? A. No, sir; that is, you mean the parties interested?

Q. Parties interested, or the agents who are acting for them? A. No, sir; I have but very little knowledge of what has been going on in the opposite side.

Q. You spoke of Mr. Van Vechten as being employed on the part of the Central? A. Not on the part of the Central.

Q. But on the anti-Erie? A. Yes, sir.

Q. Mr. Hastings has been a friend of the bill, advocating the bill? A. I have so understood.

Q. Have you stated fully all that you know with reference to the subject-matter of the resolution? A. The payment of money to influence legislation?

Q. Yes, sir. A. Yes, sir.

Q. Payment or offer of money? A. Yes, sir; I suppose your investigation is confined merely to the Senate.

Q. Some of them applied to the Legislature; do you mean to confine your answers to the Senate? A. No, sir; I do not confine myself.

Senator HALE: The resolution confines us to the Senate.

Witness: My answer refers to legislation.

Q. Where "Legislature" occurs you wish to have it confined to the Senate? A. Yes, sir; I don't know that it makes any difference but it is within the scope of the resolution.

Q. By Mr. THAYER: This resolution says: "Any money or valuable thing?" A. That is all one thing I suppose; I so consider that.

Q. Have you known of any terms given to any one—any bargain made or any promise given to any member of the Senate, if he would

favor this bill that he should be rewarded in any way for it? A. No, sir.

Q. In any way, shape or manner, favor or approve, that he should receive any benefit or advantage? A. No, sir; I have no knowledge of any such transaction or bargain at all.

Q. You heard of it on your own side? A. I have heard flying rumors here.

Q. What is your idea as to the truth of those reports? A. I have no knowledge that it is true.

Q. By Mr. HALE: How many senators were implicated in these rumors you have heard? A. Well, that I cannot tell, sir.

Q. Well, give some idea, whether more than one or two? A. I should not like to answer that question, for I cannot tell; I have heard rumors flying around about the Senate; a good many more than I believe.

Q. A good many more rumors than you believe? A. Yes, sir; I have been a legislator myself, and I know something about the position of a legislator in that respect.

*Abraham Van Vechten*, sworn.

Q. Examined by Mr. HALE: You reside in Albany? A. Yes, sir; I do.

Q. Have you been employed to oppose the passage of what is commonly known as the Erie bill in the Legislature? A. Well, I have been employed as counsel by some of the stockholders of the Erie railroad.

Q. By whom? A. Well, I believe I represent Inspector Richard Schell for one; still I was employed by Mr. John Dutcher, in the early part of this thing, on behalf of the stockholders of the road.

Q. These stockholders who were opponents of the bill? A. Yes, sir; I am a counsellor at law.

Q. You also have been acquainted with the Legislature for some years? A. I sometimes take part.

Q. In advocating or opposing measures? A. Yes, sir.

Q. Have you been furnished by any party with money to aid in opposing this bill? A. I have not, sir.

Q. Have you been authorized by any party to offer or promise money to any member of the Senate to oppose this bill? A. I have not; no, sir.

Q. Have you known of money being furnished or promised to second either the support or opposition to this Erie bill? A. No, sir, I do not; when I say that, I say of my own knowledge.

Q. Have you heard any person speak of having offered or promised money to any senator to influence his action in respect to this bill? A. No, sir; I have not.

Q. Have you heard any senator speak of being offered or promised money either to support or oppose the Erie bill? A. No, sir.

Q. Or any railroad bill? A. No, sir.

Q. Have you heard any senator say that it had been suggested to him that he could get money by opposing or supporting the bill? A. No, sir, I have not.

Q. Have you known of any person having money in his possession or under his control to use in influencing action in respect to these measures? A. No, sir, I have not.

Q. Or being authorized to promise or offer money for such purpose? A. No, sir.

Q. Have you any knowledge or information that since the appointment of the Senate Committee of Investigation into the affairs of the Erie Railway any money has been paid, offered or promised to any senator to influence his action in respect to the measures pending relative to said company? A. You say, have I any knowledge?

Q. Knowledge or information? A. Well, I don't know what you mean by information; I say I have no knowledge; I think I have before answered a question somewhat similar to that, that I have no information.

*Question repeated.*

A. I confess I don't exactly know what you understand by information; I have no knowledge on the subject at all; I have no information other than common rumor.

Q. What is the common rumor? A. Well, when I speak of common rumor, it has been talked about a good deal here that money has been used to procure the passage of that bill, and I heard it referred to, that money had been used against it too.

Q. Who have you heard say that money had been used to secure the passage of the bill? A. I don't know that I can remember who I heard; I have heard general talk that money was being used.

Q. Can you tell by whom? A. I don't remember any particular individual; I don't think I can call to mind any particular individual; I never want to hear any thing of the kind, and my experience has taught me this, that a great many of these rumors, there is no faith to be put in them, for I have so often heard rumors of men connected with the Senate and Legislature, whom I knew to be perfectly honest, upright, pure men; I cannot remember the name of any particular individual; I have heard those things talked of in common with these bills, and a great many other bills, but I cannot call to mind any particular individual; it certainly has been pretty general talk, and it is easy to find, but I cannot call to memory.

Q. Have you heard any senator say he could have any amount?  
A. No, sir; I have not.

Q. Or that he could have money? A. No, sir.

Q. For his vote on one side or the other? A. No, sir.

Q. Who have been the principal agents of the opponents of the Erie bill, here at Albany? A. Well, my connection has been mostly with Mr. Dutcher; I have been associated with Mr. Dutcher, and I have talked with Mr. Fairchild and Mr. Bliss; we have had counsel in this case, who have prepared amendments, and talked over the effect of the amendments, and all that sort of thing.

Q. By Mr. THAYER: Mr. Depew? A. Not much with him; he has not been a great deal here; he has appeared before the committee, but Mr. Depew has been here a very little; I have had several interviews with Mr. Bliss and Mr. Dutcher, and we have each prepared amendments.

Q. You had these interviews with the officers of the road, except Mr. Fairchild? A. No, sir; Mr. Fairchild is attorney.

Q. With the treasurers of these roads? A. No, sir; I had no intercourse with them — Mr. Fairchild, Mr. Bliss and myself — I have had intercourse with them in preparing amendments, and talking about the effect of this bill, and the effect of amendments, but still it is not in connection with operating on any senator; I have conversed very little with any senator on the subject of this bill.

Q. The subject of money has not been talked of at all? A. It has not entered into our conversation at all, and any one who knows me knows well enough, notwithstanding my connection with the Legislature, that I shut my eyes and ears to all that is going on; those who know me know that perfectly well.

Q. By Mr. HALE: You spoke of common rumor; have you heard these charges made, or statements in regard to the use of money by any person who professed to know about them? A. No, I don't think I have; no, I never heard them made by any person who I supposed had reason to know of his own knowledge; never have heard them at all; I have heard rumors about different senators; this is a thing I kept a pretty close watch of — the manner that senators stand on the question; there is hardly a senator around the circle that I have not heard rumors that this man was securing his vote; and this man was receiving money for taking care of this senator and another man taking care of another senator when I knew it was perfectly false; at any rate, I knew the men were senators that could not be reached by any undue influence.

Q. Have you no knowledge or information other than common rumor of any senator being paid or offered money by any party

interested in supporting or opposing any railroad measure during the present session? A. No, sir; I have not.

Q. Have you heard any person or persons say, that for money they would secure the vote of any senator for or against the measure affecting railroads? A. No, I have not; I never heard any person say so.

Q. By Mr. EDWARDS: When you answered a moment ago, that you had heard reports, that parties had received moneys to secure the votes of certain senators, your idea about that is, that these parties are not the senators? A. That these parties are not the senators; what I mean is, that there are men about here, from all over the State, who assume to have influence over the senators, and I have heard rumors, and some of those rumors I am inclined to put a little faith in, that they have received money, and I have not the least doubt, that money was to go to the senator himself; I have very little doubt in my own mind, that that has been done; that they have volunteered, and insinuate, perhaps; not said, in terms.

Q. Have you knowledge or information of any persons receiving money for influencing or securing the vote of any senator for or against any measure? A. No, sir; I have not.

Q. Other than common rumor? A. None other than common rumor?

Q. By Mr. THAYER: You can trace none of these rumors to any particular source? A. To no source that is entitled to any credit at all; I think most of those rumors have been connected with parties who are supposed to be friendly to the bill; in fact, I guess pretty much all of them; I don't think I have heard any thing of the kind on the other side.

*Hugh J. Hastings* sworn:

Q. Examined. by Mr. HALE: You reside in Albany? A. Yes, sir.

Q. An editor of a paper here? A. Yes, sir; for 25 years.

Q. Have you been employed to advocate the passage of a bill relating to the Erie railway in the Legislature? A. Yes, sir.

Q. By whom were you employed? A. I was employed by the Erie people.

Q. State who particularly were the individuals? A. Well, Mr. Jay Gould.

Q. One of the directors of the road? A. Yes, sir.

Q. Have you known or had intimation of money being paid or offered, or promised to any senator to influence his vote or action in reference to the Erie railway? A. I do not know except by common rumor.

Q. Have you had money for the purpose of aiding the passage of the bill, from the directors of the Erie Railway company? A. No, sir.

Q. Have you been authorized to pay, or to promise or offer money for such purpose? A. No, sir.

Q. Have you had information from any person professing knowledge in the subject, of money being offered, promised or paid for such purpose? A. Not any thing more than the common rumors that are afloat; that, probably, the committee may have heard just as well as I have; I got no information from any one that professed to have knowledge, or that knew of the fact that money had been offered.

Q. Have you heard any senator say that he had had money offered or promised to him if he would support or oppose the bill? A. I have no recollection.

Q. It is common to speak, is it not, about the lobby here, of dollars, as reasons? A. Yes, sir; they talk that way; that is a common expression.

Q. Fifty thousand reasons, or one hundred thousand reasons? A. I have heard it this way, in talking with people, where they say "There are so many reasons in this."

Q. Meaning so many dollars? A. Yes, sir; I don't know; I suppose it means that.

Q. Have you known of any body suggesting to senators that there were any number of thousand reasons for their sustaining or going for this bill? A. I may have casually in conversation, in talking about this, heard a remark of that kind, that these fellows were saying there were so many reasons in the bill, in the way of a sort of badinage conversation generally, when men will get together and talk over the matter.

Q. You have not known of its being said seriously, with the view that any amount of money could be paid? A. I have no recollection; no sir.

Q. Have you ever heard any party interested in the passage or defeat of this bill, speak of having offered, or promised, or paid money to any senator to influence his action or vote in reference to the Erie bill, as it is called? A. I don't recollect.

Q. You don't recollect that you have? A. I don't recollect that I have.

Q. Have any directors of the Erie railway besides Mr. Jay Gould been here during the pendency of these measures? A. Well, I don't know who the directors of the road are; Mr. Diven is a director, and he was being examined before the Senate committee.

Q. That is the committee of which Mr. Pierce is chairman? A. Yes, sir.

Q. Is not Mr. Ramsdell a director of the road? A. Yes, sir.

Q. By Mr. EDWARDS: Are either of them here now? A. No, sir; I think Mr. Ramsdell was the first that spoke to me in reference to securing my services.

Q. By Mr. HALE: Have you heard any director, or person interested in the Erie railway speak of having paid money to any member of that committee of five appointed by the Senate? A. Have I heard any director of the Erie railway?

Q. Yes; speak of money having been paid by them on behalf of the Erie railway to any member of that committee? A. I have not.

Q. By Mr. THAYER: Or any man acting in their interest? A. No, sir.

Q. By Mr. EDWARDS: Or opposed to the interest? A. No, sir.

Q. By Mr. HALE: Have you any knowledge of money having been used to influence the action of any senator in reference to any measure relating to railway companies? A. No; personally I have no knowledge.

Q. Have you any information derived from members of the Senate or persons interested in the passage or defeat of the bill? A. I don't know whether you would call the common talk of what has reached your own ears as well as mine; I don't know whether you would call that information or not; I could not say—

Q. The question is, whether you have information derived from members of the Senate, or from persons interested in the passage or defeat of the bill? A. I have no information from members of the Senate, and I have no recollection of any person—what might be regarded as information from any person outside of the Senate who I thought would know any thing about it.

Q. Have you any knowledge or information of any kind relating to the subject of this resolution except what you speak of as common rumor? A. No, sir.

Q. Have you any knowledge or information in regard to persons professing to be able to control the votes of senators for money upon the question? A. No; I have not any information on that subject.

Q. Have you heard any person say that for money he could control or influence the vote of senators on the question on either side? A. I have not; I have heard nothing that I could swear to; I have heard a great many rumors, and I don't know where they came from.

Q. By Mr. THAYER: Can you trace those to any particular person? A. No, sir.



Q. By Mr. HALE: Have you heard them from any person who professed to be able to dispose of them? A. No, sir.

Q. By Mr. THAYER: Have you no knowledge of any money being used for the purposes specified in these resolutions here, in regard to senators? A. No, sir.

*Jay Gould*, sworn:

Q. Examined by SENATOR HALE: You are one of the directors of the Erie Railway company? A. Yes, sir.

Q. Reside where? A. I reside in the city of New York.

Q. Have you been in Albany during the pendency of the measure now before the Senate affecting the Erie Railway company? A. Well, only a portion of the time; I came up here about two weeks ago, partly on private business, and partly on the Erie; I have a large interest in the Saratoga road, and Mr. Creamer wanted me to come up on that, and I came up, partly on that, and partly on the Erie.

Q. You say you came up here about two weeks ago? A. I had not been here before; I have known very little about the matter, except for the last two weeks—in fact, nothing.

Q. Who has had the principal charge of the interest of the Erie railway, in regard to matters before the Legislature? A. I do not know; I was opposed to any legislation, and I took no interest whatever in it, and my impression is, there was not any head to it at all.

Q. Counsel have been employed here by your company to act before the Legislature? A. Yes, sir.

Q. Who has employed and paid those counsel? A. Well, General Diven, our Vice-President, I think, had the direction of that matter more particularly than any other person; I have employed some counsel, but only since I have been here.

Q. Did you employ Mr. Hastings? A. I didn't employ him, but he has been in our employ here and has talked with me a great deal.

Q. Who did employ him? A. I suspect that General Diven must have done it; I only judge of that, for he was the Vice-President of the road, and had the more immediate charge of these matters here.

Q. Have you had funds of the company here to use in aiding the passage of the bill? A. Well, none except for counsel and agent; our company have declined to use any money for the passage of this bill, illegitimately, from the first.

Q. How large an amount of funds have you had for the purpose you speak of—employing counsel and agents? A. I really do not know, without figuring.

Q. Cannot you give some idea? A. I could not say now.

Q. About what amount, whether \$5,000, or \$10,000, or more, or \$50,000? A. Oh, I should think I have used upward of \$25,000.

Q. Upward of \$50,000? A. No, I should think not; I could give you the amount, I think.

Q. Could you give it now? A. No, I could not give it now; I have not paid much attention to it; some of the counsel I have paid by drafts.

Q. In this amount you speak of, you don't include that? A. No, sir.

Q. Have you authorized any persons to offer money to senators to influence their votes in respect to this bill? A. No, sir; I have not.

Q. Have you known of offers being made to senators to influence their action? A. No, sir; I have heard street rumors, but I have been confined to my room most of the time since I have been here, and I put them down on a par with all these reports.

Q. Have you had any information from parties interested in the passage of the bill; that they had made offers or promises of money to members to influence their votes, or action? A. No, sir; I have not, not that I remember of.

Q. Who have been employed at Albany on behalf of the Erie railway, to urge the passage of measures affecting that company? A. Well, we have had Inspector John Gansen, of Buffalo; he has been the attorney of the company for a long time, and he has been paid extra for his services here, and we have Messrs. Cagger and Hand.

Q. They are counsel too? A. Yes, sir; we consulted them about the form of the bill and the legal bearings of it, etc., and Mr. Hamilton Harris.

Q. Any body else? A. And Judge Tremain.

Q. These you have mentioned are all counsel, and employed as counsel? A. Yes, sir.

Q. Any person employed in any other capacity? A. We have had Mr. Hastings; he is only an outside man.

Q. Any body else? A. Well, we have had any quantity; I cannot tell you; they have been from all over the State.

Q. And particularly employed by you? A. Some of them have been employed; I have been told they were influential men and I telegraphed them to come; some of them were railroad men, and some of them editors of papers and all that sort of thing.

Q. Did you employ Mr. D. D. S. Brown, of Rochester? A. No, sir; Mr. Brown came here of his own accord, and said his people were very deeply interested in it, and then he went home, and then I telegraphed to him to come back here; I wanted some representative

from that part of the State that would know the feelings and sentiments of the people, and I thought he was about as good an index as there was there, and he named over some others that he thought would have a good effect here, and I have telegraphed and had them here by dozens; I cannot name them all.

Q. Was he employed for compensation? A. Yes, sir; I paid him something on account, and told him I would make it right.

Q. How much did you pay Mr. Brown; do you recollect? A. I think it was one or two thousand dollars.

Q. For what purpose was he employed? A. Well, he was employed, because, as I remarked before, he was considered a prominent man in that part of the State, and could represent the feelings of that part of the State, and he wanted those people there, because there was a good deal of feeling about this bill, and Rochester is a competing point between the Erie and Central.

Q. Was it with a view to influence any particular senator? A. No, sir; Oh! no; it was only for his general effect.

Q. For what purpose did you telegraph him to come here, and pay him this money? What was he to do for the money when he was expected to come here, and use what influence? A. He had, in a legitimate way, forwarded the passage of the bill; there were prejudices here against the fact, that some of the directors had gone out of the State; it excited a prejudice; and, when I came here, I found all these prejudices existing, and I wanted representatives from different parts of the State to come here, that lived on the Erie road, and could explain that every one that lives on the line of that road are friends of it, and those that live at competing points are friends of the Erie, as against the Central, and I thought it was a good thing to get such men here, and it was for no other purpose.

Q. Then this money was paid him, as I understand you, for the purpose of getting his representation in regard to the sentiment of his part of the State? A. That was the object of it.

Q. Was the advocacy of the original bill in his paper included in the arrangement? A. No, sir.

Q. Nothing to do with that? A. Oh, no; his paper has been too strong all the time; that was one reason I sent for him, because I knew his paper was strong for us; I had to urge him; he only stayed at my urgent solicitations, for his business was suffering.

Q. Was it not your aim to obtain persons here from different parts of the State who had, or were supposed to have influence with particular senators? A. Well, that might have been a result; but my object in getting these people here was to represent the sentiment in their locality.

Q. Did you employ Mr. J. V. Baker, of Troy, the superintendent of the Saratoga road? A. Oh, no; no, sir.

Q. Did you authorize him, or know of his being authorized to make intimations to senators that they could receive or derive pecuniary aid from supporting that bill? A. I don't remember to have had any conversation with them on the subject.

Q. The question is whether you authorized him, or knew of his being authorized? A. No, sir; Mr. Baker would explain that; when I came here I saw Mr. Baker, and the Saratoga people were interested in the success of the Erie, because part of the plan of the Erie road was to build a road on the west shore of the Hudson, and they had an interest in it, and Mr. Baker came to me and said that they didn't want, while their sympathies were all with us—they didn't want to appear in this matter at all, and so I have avoided, for that reason, although I have a very large interest in the road.

Q. Was Mr. Lapham of Clinton county, employed by the Erie railway? A. Not that I know of.

Q. Don't you know him? A. I had a casual introduction to him, and passed a few words with him; I never had met him before, but had known him by reputation.

Q. You don't know that he was employed or paid by the directors of the Erie Railway company? A. Oh, no, I am sure he was not; I don't believe he knows any of them excepting me, and he was causually introduced to me by Mr. Wetherbee, the iron man; but I had no conversation with him at all on that subject.

Q. In regard to advocating the passage of this bill, or trying to secure the passage of this bill, you had no conversation with him? A. In regard to no pecuniary considerations, I had a talk with him about this bill, and I told him I would aid him what I could, and would like to have him reciprocate, and I went to see the Governor about the matter; but that was a mere casual conversation.

Q. There was no employment by the Erie road of him? A. Oh, no, not at all.

Q. Was Speaker Littlejohn employed by the Erie road? A. I telegraphed him to come here; it seems he was here when I first—

Q. He made a speech before the House Committee? A. He made a speech before the House Committee, and when I came up here I found out about that, and I telegraphed him to come here, but never passed a word with him about any pecuniary consideration.

Q. By Senator EDWARDS: Was that a voluntary effort? A. Yes, sir.

Q. By Senator HALE: The first time? A. Yes, sir; I suppose so.

Q. I supposed he was employed by the company? A. I suppose he came here because his company was interested in it; his road

(the Midland) meets us at Middletown, and he thinks if the Erie road should go into the control of the Central, all these interior projects would be blown up, and that is his interest in the matter; I never passed a word with him about any pecuniary consideration.

Q. Did you have any interview with the Senate Committee, appointed this season, in March, I think it was; you were a witness before that committee, or were you not examined before that committee? A. I never was examined before that committee.

Q. Have you any knowledge or information of money having been paid or offered to any members of that committee, or promised by or on behalf of the directors of the Erie Railway company, to any member of that committee? A. I have no knowledge on the subject; I never saw any member of the committee until I came here, excepting Mr. Mattoon, and excepting Mr. Bradley, whom I have known for years.

Q. Where did you see Mr. Mattoon? A. I saw him in Jersey City.

Q. When? A. I don't remember when it was; that was one reason I come up here.

Q. Was it before the report of that committee was made? A. He came down there with a report.

Q. With what report? A. Well, it was a majority report, agreed to by Senators Humphrey, Chapman and himself, and that was after this bill had been defeated in the House, and we then concluded to abandon any legislation here, and he came with that report, and said that the majority had found the thing was right, and thought it was an act of justice to the committee that some representative of the road should come up here and explain away these prejudices, and that was one thing that induced me to come up; that was the only conversation I had with him; I never went before the committee.

Q. About how long was that before the committee reported? A. I think that was Saturday.

Q. Saturday before the report was made? A. I think it was Saturday before the report was made; I got the report printed for him.

Q. You got that report printed for him? A. Yes, sir.

Q. Was that report the one which he afterward signed, or the one that Senators Chapman and Humphrey presented? A. No; it was the minority report.

Q. It was finally presented as the minority report? A. Yes, sir; and Mr. Chapman made some little alterations in it.

Q. Did he, at any time, represent that he went to Jersey City for the purpose of seeing the directors? A. I don't know that he did; he came down there and said that his constituency were deeply inter

ested in this wide gauge extension which we had been just making to Oswego, and his people found a deep interest in this thing, and there were prejudices up here against us, and I ought to come up here.

Q. He said you ought to come up here? A. Yes, sir.

Q. Did you come up? A. Yes, sir; I came up.

Q. How soon did you come up?—before the report was made?—did you come up with Mr. Mattoon? A. No, sir; I don't know when I came; I don't remember whether he was on the boat or not.

Q. He came on the boat? A. Yes, sir, and I know I came up shortly afterwards; I think I came up on Sunday evening.

Q. Did you have any conversation with Senator Mattoon after you came up here and before he made this report? A. Well, I had casual conversations with him; I never had any acquaintance with him, and I met him there in the hotel; I cannot say whether I met him once or twice, but my impression would be that I saw him two or three times; he seemed to be friendly to us.

Q. Did you talk with him about the report? A. Yes, sir; he mentioned about the report; he was very anxious about it.

Q. Anxious for what? A. Well, I say anxious; he seemed to have an interest.

Q. In favor of the report? A. In favor of the report.

Q. Do you remember what day of the week the report was made? A. I do not know now; I could not say; I think it was made on Tuesday; he explained to me since that he had not read the other report at that time.

Q. When he conversed with you in Jersey City, did he speak of the other two members of the committee having prepared a report unfavorable to Erie? A. He said that Senators Bradley and Pierce were against us in the minority.

Q. He said so then? A. Yes, sir.

Q. And after he joined with them in their report, as I understand you, he explained to you that at the time he went to Jersey City he had not read their report? A. Yes, sir.

Q. He claimed that reading that report had changed his mind, I suppose? A. Yes, sir.

Q. Have you heard any member of the Senate say, or intimate that money or other valuable thing had been paid or offered, or promised, in order to secure his support, or opposition to the Erie bill? A. Do you mean whether I have heard that?

Q. Yes, sir; heard any senator say that, or intimate it? A. No, sir; I have never had a word of conversation with any senator on the subject, to my knowledge, unless it was with Senator Chap-

man; I might have; he remarked to me that they met that Tuesday morning, and agreed to the report.

Q. Who? A. Senators Humphrey, Chapman and Mattoon, and that was down at his room.

Q. At Stanwix Hall? A. At Senator Chapman's room; they read the report over, and agreed to it, and were to sign it when they come up here, and I was perfectly astounded when I heard he had signed the other.

Q. When Mr. Mattoon signed the other? A. Yes, sir; I was surprised.

Q. What I asked was this: whether any senator ever admitted, or intimated to you that he had been paid or offered any money, or advantage, for either favoring or opposing this bill in Senate or committee? A. No, I think not; I don't remember any thing.

Q. Has any officer, agent, or employee of the Erie Railway company ever told you that he paid, offered, or promised to any member of the Senate, any money or valuable thing, during the present session of the Legislature? A. I don't remember to have heard any thing of the kind.

Q. Would you remember if you had been so informed? A. Yes, sir; I should have remembered it, I think.

Q. Have you any information of the payment, offer or promise of money to any member of the Senate, by any party, in order to influence their vote or action, relative to any railway bill during the present session? A. No, I have no knowledge; no, sir.

Q. No information? A. No, sir; I may have heard these flying rumors that are flying around here; but I treat those things as rumors.

Q. Have you heard those rumors, as you call them, from any persons professing to have knowledge on the subject? A. No; the most I have seen was in the *Tribune*; I saw an article in the *Tribune* two or three days ago.

Q. Saturday? A. Saturday.

Q. Nothing but that in the *Tribune*? A. No, sir.

Q. Have you not heard the charges made in the *Tribune*, before you saw them published there? A. I don't remember to have heard it; I might have; the thing has been floating around here, and I might have heard it talked of in my room; I don't remember whether I did or not; I have been sick, and there have been a great many in there, and I heard all this gossip; but whether it was before or after that having appeared in the *Tribune*, I cannot say; I remember to have heard that read in the *Tribune*.

Q. Can you ascertain and inform us of the total amount of money expended by the directors of the Erie railway at Albany, this session?

[Senate, No. 52.]

Can you do it at your room? A. I could not at my room, for I had nothing to do with this thing until I came here.

Q. From whom could you get this information? A. I can get that information when I go down the last of the week.

Q. Do you expect to be here next week? A. I expect to, although I don't know what the result of the proceedings before Judge Barnard will be; they may take an affection for me, and keep me down there.

Q. Will you get that information and give it to us next week? A. Yes, sir.

Q. Have you any knowledge or information relating to the subject matter of this resolution which was read to you, other than what you have stated? A. No, sir; you spoke about having a memorandum of the money; it would be something that would be pretty hard to discriminate; we had about forty or fifty different lawyers employed all the time, and some of them have been —; I don't know how you could separate it.

Q. As to what was used here in Albany? A. Yes, sir.

Q. You will do it, as near as you can? A. Yes, sir.

Q. I understand you to say that something over \$25,000, and something less than 50,000, has been used here? A. Yes, sir.

Q. Have you known any money to be paid to persons upon the supposition that they, in consideration of it, would influence the votes of senators for or against the bill? A. I don't remember of any instance of the sort, where it was paid for that purpose.

Q. By Senator EDWARDS: Parties who claimed they could control the votes of Senators, and who have received money for that purpose? A. I have had parties come to me and represent that they could influence votes, and I have always told them that our people, if they passed their bill, it should be passed on its merits; that it was something every body West was interested in, and if the bill should not pass, I should go home without it; that has been my uniform answer to them.

Q. By Senator HALE: I understand you to say in the early part of your examination, that you were opposed to legislation; will you explain, if that is so, how you have been telegraphing and sending to men in different parts of the State to come here? A. I was opposed to that legislation because Mr. Vanderbilt was trying to get our road, and so long as the question of the legality of that stock was not settled, of course there could not be a legal election, and although we held the majority of that stock, his object was in buying it up to shut up the road, and I was opposed to the legislation because it embraced that; and I said that what we had done



was legal, and was done under the advice of the best counsel in New York.

Q. If you are opposed to this legislation, why are you making such exertions to obtain it? A. This is a different bill; this is a different kind of legislation from what we had before; let me explain it to you; we raised this money, in the first place; a year ago the Hudson River road doubled their stock, at fifty cents on the dollar, and that gave them three millions and a half on seven millions; the object of raising that money was to steel-rail that road and build those depots in St. John's park; they are our great competitors, and any improvement they make which facilitates the movement of trains, or the rapid transit of freight, necessitates a like improvement on our part, and it was for that reason that we issued these bonds, and when we came to issue them we took the opinion of the best counsel in New York, for it is a thing that has been debated for a year, and they advised us we had a legal right to do so; of course, if we had gone and made a public thing of it, we would not have got any thing for the bonds, for the Erie road is covered with mortgages, and it was only by keeping our own counsel that we were enabled to get the high price we got; we could not have got 50 if it had been known; I was not interested in a dollar of the stock; never speculated in it as long as I have been a director to the extent of a single dollar, and every thing I have done has been gratuitous; I have not received a single dollar for my services, nor even my expenses, although I have been six weeks from my family in this thing, and when the question came up about this legislation I was opposed to it, because I said what we had done was legal, and if we came here it would be an admission that we had done something wrong; but when we found the litigation was injuring our securities, and parties that we had contracted with in Europe for steel rails wrote over saying they would not send them, for the money was going to be tied up, and they didn't know whether we could pay for them, and that was the reason I thought some legislation would be appropriate here.

Q. You mean you changed your views in regard to that? A. I changed my views, because it changed the bill; if we had got our steel rails, this accident would have been avoided, because it was the most dangerous portion of our road.

Q. You mean this accident the other night? A. Yes, sir; the report which I spoke of, and which we printed, which was brought us by Mr. Mattoon, was printed in the printing office of the Erie Railway company in New York.

Adjourned till Monday, April 20th, 1868, at half-past three o'clock.

MONDAY, April 20th, 1868.

The Committee met at eight o'clock.

Present, all the members.

*Cornelius Vanderbilt, Jr.*, being duly sworn, testified as follows:

Q. By Mr. HALE: Are you connected with the Harlem Railroad company? A. I am treasurer of the Harlem Railroad company.

Q. What relation are you to Mr. Cornelius Vanderbilt? A. I am grandson of the president and son of the vice-president of that road.

Q. Have you charge of the funds and the disbursements of the Harlem Railroad company? A. Yes, sir; they are made through me in all cases.

Q. Have any moneys been paid out of the treasury of the Harlem Railroad company for expenses of opposing any measures affecting the Erie railway during the present session of the Legislature? A. No, sir.

Q. Have you any knowledge of money being expended by any person or corporation for that purpose? A. I have not.

Q. How is money paid from your treasury? A. Sums of any amount are paid by checks; sometimes amounts of less than \$100, and sometimes \$200 or \$300, are paid by notes; the treasurer's office is corner of Fourth avenue and Twenty-sixth street, New York.

Q. Do your books in all cases indicate the purpose for which money is expended? A. Yes, sir; no money has been paid for expenses of legislation or attending Legislature at Albany this winter.

Q. Have you heard any person or persons say that they had paid or promised to pay any money for the passage or defeat of any bill before the Legislature this session? A. No, sir.

*Charles C. Clark*, being duly sworn, testified as follows:

Q. By Mr. HALE: Are you treasurer of the Hudson River Railroad Company? A. Yes, sir.

Q. Where is your office? A. No. 270 West Thirtieth street, New York.

Q. Are all moneys expended by that corporation paid through you? A. They are.

Q. Have any moneys been expended by the Hudson River Railroad company this winter in influencing or opposing measures that have been pending in the Legislature in reference to roads? A. No, sir.

Q. You mean to say that that company has not borne any portion of the expense attending the controversy in relation to the Erie railway in this Legislature? A. Except perhaps this, that we have agents who may have acted; I do not know how that is.

Q. What agents have you had? A. Mr. Depew is the attorney of our road, and he has been here; what he has done I don't know.

Q. Has he drawn money from the treasury to use here? A. Nothing except his salary; that is a yearly matter.

Q. Has he only a salary as the attorney of the road? A. Yes, sir; nothing beyond that.

Q. By Mr. THAYER: He has received his regular salary? A. Yes, sir, on the pay-roll; it is the same during the recess; it is the same all the year round.

Q. What other agents have you had here? A. No one to my knowledge.

Q. By Mr. HALE: Have you any knowledge of any person paying money to influence legislation respecting railroads this winter? A. I have not.

Q. Or promising money? A. I have not.

Q. Or any other way? A. None other.

Q. You have not been at Albany yourself during this controversy? A. No, sir.

Q. And have no knowledge on the subject? A. None at all.

Q. You are confident that no money has been drawn from the Hudson River Railroad company to be used here except for the salary of Mr. Depew? A. That is it.

The Committee adjourned.

WEDNESDAY, *April* 22, 1868.

The Committee again met, all the members being present.

*Thomas G. Alvord*, being duly sworn, testified as follows:

Q. By Mr. HALE: Are you acquainted with Jay Gould? A. I never saw him to my knowledge.

Q. Have you heard any person interested in supporting or opposing the bill recently passed by the Senate relating to railroads, speak of having paid or offering to pay to any senators money to influence their vote or action during the present session? A. I have not.

Q. Have you any knowledge or opinion relating to the subject of this resolution? A. I know just what rumor tells; that is all.

Q. Have you any opinion derived from men who professes an actual knowledge on the subject? A. None; I will state that I am here simply for the purpose of taking care of a few local bills pending before the Legislature in reference to my city, and have not undertaken to interest myself in any other legislation here; I have a few local matters in our own city dragging through the House, educational and municipal affairs, and I have undertaken to get them through; I have not offered myself as an advocate, and have never desired to

be one to either party in this controversy ; as for Mr. Gould I do not know that I ever saw him.

The Committee adjourned.

THURSDAY, *April 23*, 1868.

The Committee met, all the members being present.

*Dyer D. S. Brown*, being duly sworn, testified as follows :

Q. By Mr. HALE: You reside in the city of Rochester? A. I reside at Scottsville, in the county of Monroe.

Q. Are you editor of the *Rochester Democrat*? A. I am.

Q. Have you been here at Albany during the present session of the Legislature in behalf of the directors of the Erie Railway company?

A. I have not.

Q. Have you taken any part in promoting the passage of any bill affecting the Erie Railway company in the Senate of this State? A. Quite an active part for the last two weeks prior to its passage.

Q. The bill which passed the Senate? A. Yes, sir.

Q. Were you employed by the parties interested in the Erie Railway company? A. I was not.

Q. The interest you took in the measure, then, was purely voluntary? A. Yes, sir.

Q. Did you receive from Jay Gould, one of the directors of the company, any money or valuable thing to use in the promotion of that bill? A. I did not.

Q. Did you receive any money or valuable thing from Jay Gould, for any purpose, during the pendency of that bill? A. I have not.

Q. Have you known of any money being offered or paid to any senator by any person interested in promoting or passing that bill during its pendency in the Senate? A. I have not.

Q. Have you any information derived from any person professing to know of any money being so used? A. I have not; I have merely heard rumors of money having been paid, but not from any person who knew any thing.

Q. Have you heard Jay Gould speak of having paid or parted with money for the purpose of influencing the votes of senators upon the measure? A. I never have; I wish to state here, that I never had any private conversation with Jay Gould, except on one occasion, for perhaps three minutes; all my other conversations were in the presence of other persons.

Q. I will read to you the statement, which was made by Jay Gould, in answer to a question referring to yourself; the question was this: "Was he [meaning yourself] employed for— Yes, I paid him something on account, and told him I

would make it right." Is that statement correct? A. No, it is not; I will state the facts; I came here about the 1st or 2d of April, and remained over night; it was the 1st of April, that I came; on the 2d of April, shortly before I was to go home, some two or three gentlemen standing in the hall, invited me into Mr. Gould's room, saying, that they thought, as I was interested in this matter, I had better come back; I went in and saw Mr. Gould, and was introduced to him; I do not know, that I ever saw him before, though I may have met him; in the conversation with these gentlemen, they insisted, that I should come back; I pleaded, that I must go home, on account of my business affairs; he said, "I wish you would come, and I am willing to compensate you;" I said, "I do not require any compensation, but shall be back next week, if my business and family are so that I can leave; I had five members of my family sick, four with the whooping cough; I was taken sick that day, and was confined to my room until the next day, and then I went home; the next week I received a telegram from Mr. Gould, asking me to come down; I was then on my way from Scottsville to Rochester with my satchel and baggage, coming here, expecting to go on to New York; I came on here and remained two or three days, and then returned; Mr. Gould is entirely mistaken when he says he paid me any money or any compensation; I have no doubt, that when his attention is called to it, he will see, that he is mistaken; some one told me, that he said he had paid me \$1,000 or \$2,000; he ought to know whether it was \$1,000 or \$2,000; he has never paid me, though he said he would make me some compensation, but he never mentioned any amount; he spoke of compensation but once; and had he offered me compensation, I should have taken it, after I had been here the second time, and after the bill had passed; but he never offered me any.

Q. Then I will call your attention directly to what Mr. Gould said, in answer to a question, "How much did you pay Mr. Brown? I think it was one or two thousand dollars;" that, we understand you to say, is not true? A. It is not correct.

Q. Have you heard any person, a director or agent of the directors of the Erie Railway company, or any agent or person acting for Commodore Vanderbilt on the other side, speak of having used money for the purpose I have indicated? A. Of using it themselves, do you mean?

Q. Or giving it to be used? A. I have not; I have heard a thousand rumors that this man and that man was paying money, but not from any person who I supposed had any information or knowledge on the subject.

Q. Have you any knowledge or information of any person professing to know, upon the subject-matter embraced in the resolution under which this committee was appointed? A. I have not; I never was a professed lobby-man; I was never employed to forward any bill; I came here from Washington, not knowing of this bill; I had got the impression that the Vanderbilt and Erie was all over until I arrived here from Washington.

Q. By Mr. THAYER: This bill was introduced on the 1st of April, and you say you came here on that day? A. I came up from New York and arrived here on the morning of the 1st of April, I think, and I had heard nothing of the bill except incidentally; I knew there was a great contest, but I did not know the situation in which the bill was; I will say that I stopped here for the purpose of advising with some political friends as to the state of national politics on my return from Washington, and to urge the passage of a claim bill for the city of Rochester for damages—a swing-bridge bill for the city of Rochester, and an appropriation for the Genesee Valley canal; does Mr. Gould say that he employed me?

Mr. HALE: He does.

*Witness:* I am surprised at it.

Q. By Mr. HALE: I will read what he says: “Did you employ D. D. S. Brown, of Rochester? A. No, sir; Mr. Brown came of his own accord and said his people was very deeply interested in it, and then he went home, and then I telegraphed him to come back here; I wanted some representation from that part of the State, who would know the feelings and sentiments of the people, and I thought he was about as good an index as there was there, and he named over some others that he thought would have a good effect here, and I have telegraphed, and they are here by dozens; I cannot name them all.”

Q. The next question was: “Was he employed for compensation?” A. If he swears that I was employed, it probably is the result of a leading question being put to him, which should not have been put; I refused to be employed; I was never employed by any party to aid in legislation; I have been scrupulous about that; he spoke of compensation in the presence of three gentlemen, and that is the only time; I did think, if he was successful, and if he wanted to make me a present, I would accept it, but I did not expect to call upon him for it; our people feel very deeply upon this subject, as well as myself.

The Committee adjourned.

April 29, 1868.

The Committee again met, all the members being present.

*Horace Greeley*, being duly sworn, testified as follows :

Q. By Mr. HALE: You are editor of the New York *Tribune*? A. Yes, sir.

Q. Are you the writer of this editorial article which appeared in the *Tribune* [producing it to the witness]? A. I am.

Q. When did it appear? A. Two weeks ago last Saturday.

Q. I call your attention to this portion of the article :

“ Can Senator Folger really mean to scout investigation as needless? Does he not know that quite a number of his fellow senators have sold their votes in the Drew-Vanderbilt quarrel, some of them more than once? Can he not lay his hand at once on the senator who is currently reported to have sold his vote and influence, first to one side for \$15,000, then to the other for \$20,000, insisting that he must have \$1,000 extra for his son? Is he not morally certain that more than \$100,000 has been paid to influence corruptly the action of senators in the premises?”

Who is the senator alluded to in what I have read, as having sold his vote and influence, first for \$15,000, and then for \$20,000? A. Senator Mattoon.

Q. What other senators are referred to in the quotation read, as “ quite a number of his fellow senators”? A. I do not exactly know that I can name the senators through; I will state exactly on what that statement was based in reference to Senator Mattoon.

Q. Please state to the committee all the information you have with respect to the matter quoted in my previous question? A. Two or three mornings before I wrote this article I met ex-Senator Thomas C. Fields in front of my office, possibly in the office, and just at the door, I said to him, with reference to this Vanderbilt and Drew business, which was then pending here: “ Mr. Fields, is not this Legislature, and especially with reference to the Drew and Vanderbilt business, more shamelessly corrupt than any former Legislature has been?” He assented to my inquiry, and in support of his assent to my statements said: “ Just think of the case of Senator Mattoon. In the first place he took \$15,000 from one party in this Drew and Vanderbilt quarrel to make a report, or join in the report on one side, and then the other party came to him and he asked them \$20,000, and they bargained with him to act on the other side. He then said, ‘ I must have a thousand dollars for my son,’ and they agreed to that, and paid him \$20,000, and \$1,000 for his son.” That is the statement in substance which ex-Senator Fields made to me; I knew

that he was spending a great deal of his time in Albany, and was recently from Albany.

Q. Have you no other information in regard to Senator Mattoon than that which you have stated? A. I do not know that I have especially; I have the information which you have here, that he agreed with the report on one side, and then voted on the other side.

Q. Have you any definite information in regard to any other senator having sold his vote in this matter? A. No, I cannot say that in reference to any other senator I have any special fact to state.

Q. What information have you as to the statements, that more than \$100,000 has been paid to influence corruptly the action of senators in the premises? A. Well, my information was vague; but I understood that the Erie party, that is the Drew party, sent \$300,000; I understood so, and that it was mostly spent in influencing legislation, but I cannot say what was spent in the Senate, and what in the House; I cannot say that any money was spent except as to this definite case.

Q. Who was your informant as to the amount spent by the Erie party? A. I do not know that I can name the individuals.

Q. Have you any information in regard to that from any persons professing to have actual knowledge? A. Mr. A. N. Cole, known to you, I presume, stated, I think, that \$100,000 was placed in the hands of Luther Caldwell and Russel F. Hicks to influence legislation.

Q. Who is Mr. Cole? A. He was formerly a member of Assembly, and was also deputy clerk in this Senate.

Q. Were you told so by Mr. Cole? A. No, sir; I had it second-hand.

Q. Then you did not have the information direct? A. No, sir; I have not seen Mr. Cole.

Q. Have you any knowledge or information in regard to the subject matter of this inquiry other than what you have stated? A. No, sir; no other than vague general rumor; I will name you some men who can tell if they have a mind to.

Q. Please name them. A. I think Abraham Van Vechten, of this city, knows about the expenditure of money, and I think Mr. Hugh Hastings knows about the expenditure of money to influence legislation.

Q. Who else? A. I am sure that they both know; I was told that they knew; I do not think of any one else.

Q. You notice that this resolution of inquiry is not confined to the Erie Railway company, but extends to any other railroad or-railway



companies ; it includes all railway companies. A. My attention has been more particularly directed to the Drew and Vanderbilt controversy.

Q. You have no knowledge in regard to any other? A. No, sir.

Q. By Mr. HALE: Who was your informant as to Mr. A. N. Cole? A. My brother-in-law, John F. Cleaveland.

Q. You made this statement, "Does he [Senator Folger] not know, that quite a number of his fellow senators have sold their votes in the Drew-Vanderbilt quarrel;" was that based upon any information in regard to Senator Folger's knowledge? A. No; I referred to current rumor here; talk about the halls.

*Thomas C. Fields*, being duly sworn, testified as follows:

Q. By Mr. HALE: You reside in the city of New York? A. Yes, sir

Q. And you were formerly a senator? A. I was in 1864 and '65.

Q. The committee has been informed by Mr. Greeley, that you were his informant, in reference to a charge made in the *New York Tribune*, two weeks ago last Saturday. [Here the testimony of Mr. Greeley upon the point was read to the witness.] Please state what knowledge or information you have on the subject? A. Would it not be well for me to state my conversation with Mr. Greeley?

Q. Take your own course about it. A. I met Mr. Greeley in the door-way of the *Tribune* office; he had his overcoat on, and a carpet bag in one hand and an umbrella in the other; he seemed to have difficulty in getting through the door with his umbrella and carpet bag; he came in and I made some remarks about his being entangled with his umbrella in the door and said, "Good morning;" I walked down the street and he walked also; he was about one pace ahead of me, and he made a remark in regard to the Erie controversy; I said, "Mr. Greeley, there is a rumor in regard to one of your people, one of your senators;" he asked me what the rumor was; I said that I had heard that a Republican senator (I used the expression "one of your people") had received \$15,000, on one side, then \$10,000 from the other side, and then immediately, before signing the report, he demanded an additional \$10,000 from the Erie people, and when they had complied with his request he said, "Now let me have a thousand for my son; he has been very useful;" I mentioned no name to Mr. Greeley; in fact I did not know the name of the senator; at the same time I said, "Mr. Greeley, this is a mere rumor; I have no authority for my statement; it is what is talked about the streets, and that is between us, and of course not for your newspaper;" he replied by saying, "It does not make any difference to me which side they belong to; you see that I administer chastisement to thieves whether they belong to my side or yours;" at that time I

had reached my office, which is 117 Nassau street ; I bade him good morning and went into my office ; I have not seen Mr. Greeley since, until I saw him in the cloak-room in Albany during the time the bill was before the Legislature.

Q. You said that you did not, at that time, know who the senator alluded to was? A. I did not know the senator to whom the rumor referred ; I said that this was the rumor—that it was common street talk.

Q. You are confident that no name was mentioned? A. I am confident that I could not have mentioned the name, because I really did not know ; I had heard various senators' names used.

Q. By Mr. THAYER: Had you been here some days before? A. I had been here during the Democratic Convention.

Q. But had you been here previous to this conversation? A. I do not think I had been here before.

Q. Had the investigating committee of which Mr. Pierce was appointed chairman, been appointed? A. Yes, and it was after the two reports from that committee had been presented.

Q. Had you been here in the mean time? A. I do not think I had ; I had been here at the Democratic Convention, but I had not come to the Legislature ; I think up to that time I had not been here.

Q. Where did you learn these reports? A. I heard them in New York, and on the Harlem cars ; it was a general conversation in Wall street, and among lawyers, and men with whom I associated.

Q. It was considered a pretty smart thing? A. It was spoken of as a big job, at Albany, and some lamented that its influence would be to corrupt legislation.

Q. By Mr. HALE: You knew that the rumor referred to a member of that committee? A. Yes, sir.

Q. And that Mr. Mattoon had signed the majority report submitted by Senator Pierce? A. I did not know that he had signed it ; I had never seen the report.

Q. Had you any information on the subject referred to by that newspaper article derived from any person professing to have knowledge on the subject? A. No, sir ; I had no information other than these floating rumors about the capitol and New York ; I had no information on the subject more than any other gentleman had.

Q. Have you any knowledge as to the amount of money expended by either party in that controversy? A. No, sir ; I have no direct knowledge except what is reported in the various rumors.

Q. Then you say you have no direct knowledge ; have you heard any persons interested in this controversy or employed in it state any thing in reference to the amount expended? A. No, sir ; I know so

little about the controversy that I hardly know who were and who were not interested.

Q. You were not engaged on either side? A. I had no interest direct or indirect, contingent or otherwise.

Q. You had no interest in the measure here? A. No, sir.

Q. Have you any knowledge or information other than what you have characterized as common rumor in regard to the subject-matter of this resolution under which this Committee is acting? A. I have not.

EVENING SESSION.

The Committee reassembled, all the members being present.

*Abner C. Mattoon*, being duly sworn, testified as follows:

Q. By Mr. HALE: You are the senator from the 21st Senate district? A. Yes, sir.

Q. You were on the Committee of which Senator Pierce was chairman, appointed to investigate into the affairs of the Erie Railway company? A. I was.

Q. Have you any knowledge of any person paying or offering to pay any senator to influence his action upon what is known as the Erie Railway bill. A. I have not.

Q. I will read to you from the testimony of Mr. Greeley. "I will call your attention to this portion of the article: 'Can Senator Folger really mean to scout investigation as needless? Does he not know that quite a number of his fellow senators have sold their votes in the Drew-Vanderbilt quarrel, some of them more than once? Can he not lay his hand at once on the senator who is currently reported to have sold his vote and influence, first to one side for \$15,000, then to the other for \$20,000, insisting that he must have \$1,000 for his son? Is he not morally certain that more than \$100,000 has been paid to influence corruptly the action of senators in the premises?' Who is the senator alluded to as having sold his vote and influence, first for \$15,000 and then for \$20,000? A. Senator Mattoon." Is there any foundation for the statement made there? A. None that I know of, only that I have a son here in the Senate, acting as a clerk to one of the committees, if I am the person alluded to.

Q. By Mr. THAYER: Your son, clerk of a committee? A. Yes, sir; he is clerk of a committee on the internal affairs of towns and counties.

Q. By Mr. HALE: Did you receive any money from any person interested in sustaining or opposing the Erie railway bill, during this session? A. I never received one dollar, or any other valuable consideration.

Q. Nor any promise? A. Nor any promise to receive, nor any intimation that I would receive in any way, direct or indirect; so far as the rumor set forth in the *Tribune* goes, it is entirely false; that is, it is made up without any foundation in truth; neither do I know of any moneys being paid or offered to be paid, or having been received or promised to be paid or received; I have heard these rumors that money was paid in large amounts.

Q. Did you, before any report was made from the Select Committee, go to Jersey City to see the directors of the Erie railway company? A. I did.

Q. For what purpose? A. At their request—no, I am not certain whether it was before the report was made or not; I went to Jersey City to see Mr. Drew, but I am not positive whether it was before or after; I think, however, it was before.

Q. You say, at their request; who made the request? A. I rode in the carriage to the ferry with Governor—somebody.

Q. Governor Underwood? A. Yes; I rode in the carriage to the ferry with Governor Underwood, and then went with him to Taylor's Hotel, and there saw Mr. Drew, Mr. Eldridge, Mr. Fisk—I think those are all I saw—three or four gentlemen.

Q. Did you see Mr. Jay Gould? A. No, sir; I did not see him there; I saw Mr. Davis there too.

Q. A director of that company? A. A director; his first name I do not recollect; I think they are all I saw.

Q. Where did you meet Mr. Underwood? A. I met him at the Astor House; no, I met him at the Metropolitan; we went down in the cars together in the evening from here; I had never seen him before; he made himself acquainted with me on the cars, and there commenced talking about the Erie railway, and asked me if I would go to see the directors with him the next morning in Jersey City; I told him that I would, and he appointed the hour at nine o'clock and went with me.

Q. Did any other members of the Committee go with you? A. No, sir; we were not there on Committee business; I cannot say whether it was before or after the report was made.

Q. Do you recollect taking with you, at that time, a copy of the report which was afterward made by Senator Chapman and Humphrey? A. I never had a copy in my possession that I know of.

Q. Then you did not take a copy and leave it with the directors to be printed at that time? A. No, sir.

Q. Did you state to them at that time that you were about to concur with Messrs. Chapman and Humphrey in their report? A. No,

sir, I did not ; I stated that I was opposed to the ten million issue, that I thought that issue was fraudulent ; but that the directors should be permitted to keep the road, and that the control of it should not be obtained by the Vanderbilt party, to consolidate with the Central.

Q. Are you positive that you did not see Mr. Gould at that time ?  
A. I do not recollect seeing him.

Q. Have you ever seen him in Jersey City ? A. I think I have.

Q. Then have you visited Jersey City twice in this matter ? A Yes, sir.

Q. Was the other time before or after this time you went with Mr. Underwood ? A. I am unable to tell you ; I do not know that I have ever seen Mr. Gould in Jersey City ; I am not able to say positively.

Q. What was the object of your going there with Governor Underwood, at the time you refer to ? A. I went at his invitation ; I was in favor of this bill, and I went to advise with them in reference to some way to carry the bill ; they asked me to go, and I went to give them my advice in regard to their strength in the Senate with reference to the bill, and how it stood.

Q. Was any thing said at that interview as to the means that they proposed to employ to carry the bill through the Senate ? A. No, sir ; only on the merits of the bill.

Q. What was the purport of the conversation between you and these directors at that time ? A. The purport of the conversation was in regard to the equities being in their favor, and that it was unjust for Mr. Vanderbilt to get the control of the road and drive them out of the direction ; that it would be an evil to the country ; that was the substance of it.

Q. Can you tell whether, at that time, the bill had been prepared which was introduced by Senator Chapman ? A. My impression is now that it had been prepared ; I have been to Jersey City twice, and the last time was subsequent to the introduction of that bill.

Q. Is it your impression that the last time was the time you speak of that you went with Governor Underwood ? A. No, sir ; I went with him the first time.

Q. At that time when you went with Governor Underwood had the bill been introduced ? A. I think not ; it is my impression now that it had not ; neither do I think that the report had been made ; I think it was previous to the report — some time previous ; it was while the investigation was going on, I think.

Q. Did you, at any time, hand that report which was afterward signed by Senators Chapman and Humphrey, to any of the directors

of the Erie Railway company to be printed? A. I never had it in my possession at all; it was made out the night before it was introduced here—it was perfected.

Q. Made out here in Albany the night before? A. I think so; it was made out in Senator Chapman's room.

Q. The report or the bill? A. The report; I never saw the bill.

Q. Did you hand any of those directors any report—as one that was to be introduced as the majority report in favor of the Erie Railway company? A. No, sir.

Q. To be printed or for any other purpose? A. Not to my recollection; I never had any reports in my possession; I was not chairman of the committee and never made any report.

Q. You say not to your recollection; if you had done so you would be likely to recollect it? A. I think I should; my memory is pretty good; I say I was not charged with making up the report and I had no report; the chairman of the committee had it in his possession.

Q. How long an interval was there between these two visits to Jersey City? A. I should think it was about a week.

Q. Are you confident, that the last visit there was after you had united with Senators Pierce and Bradley in the majority report of that committee? A. I am not positive as to that; I think it was; that is my impression now.

Q. You think it was after? A. Yes, sir.

Q. At whose request did you make that second visit to Jersey City? A. I think it was at the request of Bancroft Davis.

Q. Did you go alone, or with somebody, at that time? A. I went with another person.

Q. Who? A. No one connected with the Erie Railway company, and I decline to give his name.

Q. Not connected either as director, agent or attorney? A. Not at all, directly or indirectly.

Q. At whose request did you make that visit? A. At the request of Mr. Davis.

Q. What was the object of that visit? A. The object of that visit was to see the directors of the Erie Railway company.

Q. For what purpose? A. To talk with them about this bill.

Q. Whom did you see? A. I saw Mr. Eldridge and Mr. Drew.

Q. No others? A. I think not; I am not positive, but I saw Mr. Belden; no, I do not mean Mr. Belden or Mr. Fisk Belden; I think it was Mr. Gould; I think it was at that interview I saw Mr. Gould.

Q. Can you fix the date of these two visits; have you any means of fixing them? A. I cannot; I might by referring to the introduction of the bill and some other data.

Q. By Mr. THAYER: The Senate bill was introduced on the 1st of April? A. I have no means of fixing the date now; the only way I could date it would be by the hotel register in the city of New York.

Q. It was several days after the introduction of the bill? A. I do not recollect.

Q. It was not before the introduction? A. That I do not recollect.

Q. By Mr. HALE: What was the subject of conversation at that interview? A. The chances of carrying the bill through the Legislature.

Q. You were there discussing it with them as a friend of the bill? A. I was.

Q. Must not that have been before you signed that report of the majority committee? A. I think not; I think it was afterward.

Q. Was any thing said at that interview by them as to the means through which they proposed to secure the passage of that bill? A. Yes, sir.

Q. What? A. By influential friends; they named Mr. Ramsay as a man who was under obligations to that road; they said, that whatever influence he had would be used for it; that he was under obligations to give it; they said, also, that I was under obligations, because a branch of their road ran to my city.

Q. By Mr. THAYER: What is it? A. A branch of the Erie railway; a broad gauge from Binghamton to Oswego.

Q. How long has that been in existence? A. Six months.

Q. Is it completed? A. Yes, sir; they ran freight over it last fall; a third rail was laid on the Oswego and Syracuse road, and a contract has been made with the Erie Railway company to carry flour from Oswego to New York at the same price *pro rata* as from Buffalo to New York, by which means we save twenty-seven cents a barrel on flour from Oswego to New York; I am very much interested in that road.

Q. By Mr. HALE: When you returned to Albany from Jersey City, did Jay Gould come with you on the same train? A. Not that I know of.

Q. You have stated two things they relied upon to pass the bill; did they mention any other? A. No, sir; they pressed upon me the duty I owed to the road, and the duty I owed to my constituents, because the road ran to my city; they depended upon me to help in the passage of the bill.

Q. Was any thing said at that interview in regard to the reports of that committee? A. Yes, sir; either there or at some other time they said they were sorry that I had signed the report, because it gave the other side the advantage at the start.

Q. You are not sure it was at that interview, or some other? A. No, sir; I talked with the directors—these men—a good deal at different places.

Q. Are you confident that at that interview at Jersey City you did not have with you the report or bill which had been introduced here? A. I never had that bill which was introduced here.

Q. Or any copy of it? A. No, sir.

Q. Did any of these directors, or any person interested in the Erie Railway company, at that time, or at any other time, say or intimate to you that they were ready to use money for the purpose of influencing votes here in the Senate? A. No, sir; let me say to you in regard to the copy; they had some heading, or something they had printed on a foolscap sheet, I think—something, but not the report; they had a statement or report drawn up, which they wished to introduce as a report, and that report they gave to me, or a copy of it printed; I gave it to Mr. Chapman, or showed it to him.

Q. They gave that statement to you and you gave it to Mr. Chapman? A. Yes, sir.

Q. That was printed? A. That was a printed statement on a foolscap sheet.

Q. It was not printed from any manuscript that you had? A. No, sir.

Q. I have asked a question with regard to the Erie Railway Company. I now ask it with regard to the Vanderbilt interest. Was it indicated or said to you that any money would be used, or had been used, for the purpose of defeating the Erie Railway bill in any way? A. No, sir; no person connected with that interest that I know of; I have heard rumors, but I now cannot say that it was any one connected with either side directly, about the hotel, that it was a “big thing,” that it was going to cost a pile of money, and that Vanderbilt was willing to spend a million of dollars to beat the bill, and that Drew would spend as much money to carry it, but not from any parties connected with the road; it was a mere social hall—Delavan floor conversation; I do not know but I have indulged in that myself, but without any authority; I do not know that I have done so, but I have heard that the “old man” was going to beat the bill, and that the Drew party would win.

Q. Have you heard that these remarks were made by any person professing to have knowledge on the subject? A. No, sir; I have not; and the substance of all I have heard was, that it was a “big fight,” or “big thing,” “the biggest thing ever before the Legislature,” language of that kind.

Q. Has an offer or promise of money or other valuable considera-



tion, been made to you by any person interested or professing to be interested in the passage or defeat of any measure relating to railroads, during the present session of the Legislature? A. No, sir.

Q. Have you had any interview with Commodore Vanderbilt, or any persons representing or claiming to represent his interest in this controversy, during this session of the Legislature? I do not know Commodore Vanderbilt; I never saw him in my life to my knowledge, nor do I know but one of the directors of the Central Railway company; I know Horace F. Clark; I think he is the only man I know in that direction; I never exchanged a word with Mr. Clark in regard to money at all, or the influences that would be used to defeat or carry any bill.

Q. My question was a little more general; it was whether any person interested or claiming to be interested for Commodore Vanderbilt had any interviews with you? A. They have not; that is, any interview with regard to myself or in regard to any person connected with the matter.

Q. In regard to the passage or defeat of the bill? A. Only as I have stated in regard to rumors about it being a "big fight."

Q. You have had no interviews with any persons interested on that side similar to those you have spoken of with persons in Jersey City with regard to the Erie Railway company? A. No, sir, because I was on the Erie side.

Q. Have you any knowledge or information in regard to the other part of this statement that your son had received any thing from either party to this controversy? A. I have not.

Q. I will now put the general question to you: have you any knowledge or information as to the subject-matter of this resolution as to whether any party or parties interested in supporting or opposing any measure relating to railway companies have either by person or by agent, directly or indirectly, paid or offered to pay to any member or members of the Senate during the present session any money or valuable thing to influence his or their vote in Senate or committee? A. I have not, direct or indirect, on that subject.

Q. By Mr. EDWARDS: I do not understand whether your first visit to Jersey City was at the time the committee went down to commence an investigation there, or at some time previous? A. It was while the investigation, was going on but whether it was at the time we were holding meetings, I do not recollect.

Q. By Mr. THAYER: Didn't you hold meetings in New York for a day or two? A. I think we held two or three sessions in New York at 62 Broad street, the office of Senator Pierce.

Q. He was chairman of the committee? A. Yes, sir.

Q. By Mr. EDWARDS: At the same time you saw Mr. Gould in Jersey City, was that the first or last visit? A. I think it was the last visit.

Q. Had the report been printed at that time? A. That I am not able to tell you; what report do you refer to?

Q. I mean the reports of Senator Pierce and Senator Chapman? A. That I am not able to tell you; I do not now recollect; by refreshing my memory from data, I can get at it; I can tell you the day I was in New York, but at this time do not recollect, nor do I recollect as regards the report.

Q. The printed documents of which you speak, and that you saw in Jersey City, was that after being handed to Mr. Chapman, acted upon in the senate, or was it substituted for any bill that he had?

A. No, sir; Mr. Chapman said that he did not take the suggestion of any man, that he would not allow any body to suggest; I suggested to him to take that report, and base his report upon it; he said he would not do any such thing; that he should make a report that was a report of the committee, and not of any body else.

Q. By Mr. HALE: Did any other member of the committee accompany you to Jersey City, either time? A. No, sir.

Q. Had the other members of the committee any knowledge of these visits? A. I do not know.

Q. You did not inform them of it? A. Wait a moment; I think I did; I think Senator Chapman and Senator Humphrey both knew of it; I think I told them at the time; whether it was before I went, or after, I don't recollect; they knew that I went there; I told them that there was a report printed and handed to me by them; I wanted Mr. Chapman to look it over to see if it met his views, and he then stated that he could not take the views of any man, that he was going to write a report and submit it to the committee, and that it should be his report, and the report of the committee.

*Asahel N. Cole*, being duly sworn, testified as follows:

Q. By Mr. HALE: Where do you reside? A. Brooklyn, New York.

Q. Were you interested in any way in this controversy that was pending in the Senate a short time ago in reference to the Erie Railway company? A. My home is in western New York, on the line of the Erie railroad, and I felt a deep interest in the result.

Q. Whereabouts is your home? A. Wellsville, Allegany county; my former home was there, and my property is there.

Q. Have you been in attendance upon the Legislature, advocating the passage of this bill? A. No, sir, I have not; that is, I have not been here with any view to that.

Q. But you were here while the controversy was pending in the Senate? A. I was.

Q. Have you any knowledge as to money having been expended in influencing legislation in regard to that bill? A. I have no personal knowledge in regard to it.

Q. Have you any information in regard to it? A. It depends upon what you would term information; I have heard many statements made.

Q. By whom have you heard these statements made? A. Must I necessarily give names?

Q. That is what the question calls for. A. I do not like to detail conversations, even in giving testimony before this committee, because of the fact, that these private conversations were mere rumors.

Q. We have not asked you for conversations; if you can tell with whom these conversations were, we can perhaps judge whether they were mere rumor or not; whether a statement is a rumor or not depends entirely upon who the person was who made the statement; we have not asked what they were. A. You ask with whom I had conversations?

Q. You had said that you had heard statements with regard to this matter; the question is, by whom were those statements made? A. Well, if the committee will permit me to modify my evidence, I will say that I have heard statements of rumors in regard to this matter.

Q. By whom were these statements made? A. Mr. E. M. Madden, of Middletown, Orange county, made a statement to me.

Q. Did Mr. Jay Gould make any statement to you? A. No, sir.

Q. Did you have any conversation with him about it? A. I had a little conversation, but not in regard to money matters; I had it in respect to Erie.

Q. What do you mean; in respect to the Erie Railway company's bill, generally? A. In respect to the bill, and in respect to the prospect of who would vote for it, and who would not.

Q. Do you think of anybody else besides Mr. Madden—any conversation with Mr. Hugh Hastings? A. No, sir.

Q. With Russel F. Hicks? A. No, sir.

Q. With Luther Caldwell? A. No, sir.

Q. Was Mr. Madden interested himself in behalf of the Erie Railway company? A. He was, if I understand it.

Q. Did he make any statements as to any thing within his knowledge, or which he professed to be within his knowledge? A. He said certain men were very bad men, and had terribly deceived them?

Q. Please state the conversation with Mr. Madden, with regard to this matter? A. Mr. Madden said to me, of two men, Mr. Luther Caldwell and Mr. Russell F. Hicks, that they were intrusted largely

with the management of the Erie matters, and that after they were intrusted with them they suddenly left the scene of action.

Q. Did he speak of their having money in their hands to use? A. He did not state distinctly that they had money.

Q. Please state what he said in reference to that money? A. I cannot do it; but I came clearly to that conclusion; Mr. Madden made no specific statements in reference to money or amounts.

Q. What conclusion did you come to? A. The inference was clear and conclusive to my mind that large amounts of money were placed in the hands of these two men for a specific purpose; that was the inference I drew.

Q. The purpose was what? A. To aid in the passage of the Erie bill.

Q. For influencing legislation? A. By influencing legislation; Mr. Madden said nothing specific by which I had reason to believe they had to pay this money or had agreed to pay either branch of the Legislature, but that they were intrusted with the interest of the Erie Railway company, and had sold out to the Vanderbilt party and deserted their posts and left.

Q. By Mr. THAYER: And took the money? A. That was the idea, but he did not say they took the money.

Q. By Mr. HALE: That was the idea you got? A. Yes, sir.

Q. Did he indicate any amounts? A. He did not; I cannot tell who told me the amount, but I have been told.

Q. I call your attention to a statement made by a witness this morning: "Mr. A. N. Cole, known to you I presume, stated, I think, that \$100,000 was placed in the hands of Luther Caldwell and Russell F. Hicks, to influence legislation was that statement correct? A. I think I stated to Mr. John F. Cleveland, yesterday, that I was so informed, that I had been told so, and that I had no doubt it was so.

Q. You have mentioned Mr. Madden as your informant to the extent you have named? A. Mr. Madden was my informant originally, but in generalities.

Q. By whom were you informed as to the amount? A. I stated to a certain senator that I had heard it was so much, and he said he thought it was more.

Q. Who was the Senator? A. Senator Nicks.

Q. Did he state whether he had any knowledge on the subject? A. He stated, that if any body had received any money for his vote it was a fraud, and I have no doubt it was.

Q. Did he say whether in making that statement he made it from any knowledge he possessed, or did he give the source of his knowledge? A. No, sir, he did not; if I must detail that conversation to

you it was about to this effect; I said to him this: "Mr. Caldwell has ever been a friend of mine and I of his, and when he was a candidate for clerk of Assembly I went to Mr. Greeley and other parties, and labored very hard to relieve him from some odium attaching to him before;" I took a great deal of responsibility; I went in kindness to Mr. Caldwell's friends, hoping that these reports might not be true, and among others I consulted Senator Nicks, and said to him, "It is a terrible thing if Caldwell has done this thing as has been reported, and has disgraced himself, and ruined himself and his friends; I hear it is so; you have been his friend and I have been his friend; is this true?" I do not know whether he said it was true, but I told him, however, that I understood the amount that passed into Mr. Caldwell's hands was about eighty thousand dollars.

Q. By Mr. THAYER: Caldwell and Hicks? A. Yes, sir; he seemed to think it was more.

Q. By Mr. HALE: He said what indicated that? A. Yes, sir.

Q. Did he state how much more? A. No, sir; I think he did not.

Q. Have you any information on the subject, except from Madden and Nicks? A. I have heard a great deal as senator, and as every body else has; there has been a great deal of talk here; it is a common topic of conversation as you all know.

Q. One difficulty we have, is in tracing these common rumors, the existence of which we all know; have you heard any director of the Erie Railway company speak of this matter? A. I do not believe that I have heard any director of the Erie Railway company; I do not know whether Mr. Madden is a director or not, but I have heard a great deal of talk by men who live along the line of the Erie railroad, members, senators and representative men, business men, etc.; there has been a great deal of talk about it.

Q. Have you heard this from any attorney or counsel of that road? A. I think I have not.

Q. Who was indicated as the person giving this money into the hands of Caldwell and Hicks in these statements you have testified about? A. I do not know that I could answer that any further than common rumor; common rumor was that Jay Gould was the man who held the purse.

Q. I will merely ask you the general question whether you have any information from any persons professing to know as to the subject matter of this resolution, which was read to you in administering the oath, other than what you have mentioned? A. I have not.

Q. Can you name any person that you have reason to believe has knowledge of this subject other than those you have mentioned? A. I can.

Q. Who? A. Dr. Williams, Dunkirk, Chautauqua county.

Q. Who else? A. Hon. E. M. Madden.

Q. Who else? A. Luther Caldwell.

Q. I mean others than you have mentioned?

Q. By Mr. THAYER: You have heard no persons say they have received money? A. No, sir.

Q. By Mr. HALE: Have you heard any senator say, that he had been offered or promised money or any valuable thing or consideration by either party to this controversy? A. I have heard no senator say that he had been offered or promised money.

Q. Have you heard any senator intimate any thing of that kind? A. Whatever suggestions I have heard on the part of senators, have been so vague and indefinite, that I should not be able to make any statements which could be accepted as evidence of the fact, that money has been actually paid.

Q. I do not mean paid—I say offered or promised; there may have been offers which have been rejected? A. I have had conversations with senators by which I could but conclude that money had been freely in circulation here.

Q. Please name the senator with whom you had such conversation? A. You could infer from my former testimony in reference to Senator Nicks; I have no reason to doubt it.

Q. What other senator? A. I do not know any other senator than Senator Nicks that I could make any specific statement at all in regard to conversation.

The Committee adjourned.

THURSDAY, April 30, 1868.

*Julien Williams*, being duly sworn, testified as follows:

Q. By Mr. HALE: Where do you reside? A. Dunkirk, Chautauqua county.

Q. What is your profession? A. A physician.

Q. Have you been in Albany during the past winter, or during the pendency of certain measures affecting the Erie Railway company in the Senate? A. Yes, sir.

Q. Were you interested in advocating any measure relating to railroads before the Senate? A. How do you mean by interested—that I was employed, or that my interests were that way? I do not exactly understand your question.

Q. In either way. A. I will state, to get at that, that I have for years been more or less in the employment of the Erie Railway company, professionally, as physician and surgeon, attending to injuries, accidents, etc., on the road, on the Western division; that has been my principal province.

Q. Were you employed on behalf of the directors of the Erie Railway company here at Albany? A. No, sir; I was not employed; I was requested by them to come here.

Q. How long were you here? I was here in the city before what is termed the "Erie war" commenced, about a week before that; I was in New York on Monday, I think after the investigating committee in the Senate was appointed; I mean the first committee to investigate into the affairs of the Erie Railway company, and I was requested by Mr. Diven, vice-president of the Erie Railway company, to come here to Albany, and look out for their interests.

Q. You did so? A. Yes, sir, as far as I knew any thing about it, or could do so.

Q. Did you know Mr. Jay Gould, and have frequent conversations with him when he was here? A. Yes, sir, I knew him, and I saw him every day when he was here.

Q. You were formerly a member of the Legislature? A. Yes, sir, of the House.

Q. When? A. In 1864.

Q. Do you know any thing about the disbursement of money on behalf of the directors of the Erie Railway company, in defending this bill? A. No, sir, I know of no disbursements of any money; my instructions were directly to the contrary.

Q. What were your instructions? A. That is the statement I received from them—that they wished to pass the bill entirely upon its merits; I had nothing to do with money; if there was any thing of that kind used, I know nothing of it.

Q. By whom was this statement made to which you refer? A. By Mr. Diven, and also by Mr. Davis, one of the directors, and also by Mr. Gould, at different times.

Q. Did you know of money being brought here to be used in promoting that bill? A. No, sir, I did not.

Q. Did you know of Mr. Jay Gould having money here for that purpose? A. No, sir; except rumors on the streets; I never heard and I never knew any thing of the kind.

Q. Have you ever heard him say any thing about using money? A. No, sir; I have heard him say right to the contrary at different times, that he wanted this bill passed upon its merits and in accordance with the wishes of the people.

Q. You have heard him say that he had not used money and would not? A. I did not say that; I said that I had heard him say at different times, once or twice at least, that he wanted this bill to go through entirely on its merits; that, I suppose, came up upon some of these rumors on the street, that I have alluded to.

Q. Were you aware of persons being employed to press the claims of these directors upon the Legislature or the Senate? A. No, sir; I know of nothing of that kind.

Q. You say you came here at the request of the directors of the Erie Railway company? A. I was here a week previous.

Q. But you came from New York at their request? A. Yes, sir.

Q. Did they compensate you for that? A. I have not received a farthing yet, but I suppose that I shall.

Q. You came here for compensation? A. I suppose that they will compensate me; I am entitled to it; there was never any arrangement between us, and never any thing said in reference to compensation; of course I expect it.

Q. Do you know Luther Caldwell and Russell F. Hicks? A. Yes, sir.

Q. Have you any knowledge of their having money intrusted to them by the directors of the Erie Railway company? A. No, sir; I have no knowledge of it.

Q. Have you any information in regard to it? A. No, sir.

Q. From any conversation? A. No, sir; nothing but street rumors.

Q. From whom have you heard street rumors in regard to it? A. I do not know that I could mention any particular individual; there has been a sort of floating rumor around; I stopped at the Delavan House, and, I presume, I heard in the course of a week a great many allusions to this subject on all sides, to the Erie Railway company, the Central, Harlem and Hudson river; but these kind of rumors I never pay any particular attention to, but let them pass.

Q. Were you in frequent communication with the friends of this bill in regard to its passage; I refer to the Erie railway bill that passed the Senate and Assembly, and became a law? A. I do not know that I have been in frequent communication; I went to see Mr. Jay Gould, and I met him in the hall, sometimes in his room, perhaps as often as once a day; during the pendency of the investigating committee, there were two or three directors here almost constantly; after that they left; I do not know that there has been more than one or two at the outside since Mr. Gould was here; and I saw Mr. Thompson here, but I do not know whether he was one of the directors; I saw him here once or twice.

Q. Have you never heard from the directors of the Erie railway company, or persons acting for them in promoting that bill here, that money had been used in the promotion of that bill? A. No, sir; not from any person speaking for the Erie Railway company.

Q. The question is, whether any director of the road, or any person acting for that road? A. That is what I understood you.



Q. You mean to say that no such person has intimated to you that money had been used? A. No, sir.

Q. Have you heard from any person professing to have knowledge on the subject, that money had been so used? A. No, sir; no one professing to have knowledge; as I stated, the only thing that I have heard is rumors which every body has heard through the streets and at the hotels, which I could not fasten upon any; the same kind of rumors we have here in regard to other bills, such as appeared in the *Tribune*; that, perhaps, was one of the strongest rumors I have heard.

Q. What do you refer to? A. An article in the *Tribune* referring to a senator some time ago; the same rumors which were current relative to your own road, the Whitehall and Plattsburgh.

Q. What do you mean by that? What rumors did you see in reference to the Whitehall and Plattsburgh road? A. I do not care to state rumors, unless you desire them stated.

Q. Do you mean to say, that you have heard no more rumors relative to the Erie and Central war than you have heard about the Whitehall and Plattsburgh railroad? A. I state, that I have heard rumors applying to both roads—the Erie and Central.

Q. The same rumor applying to both roads? A. Not the same.

Q. State what you mean. A. I do not wish to lug rumors in my testimony; but rumors were floating of all sorts; I have heard, that Mr. Vanderbilt and his friends were determined to defeat the Erie bill, and I heard, that the senator from your district could not be relied upon for it, because Mr. Vanderbilt would oppose your road; that is the only rumor.

Q. You were aware, that the Whitehall and Plattsburgh bill had been passed before these bills were introduced in the Senate a long time? A. I guess it had not passed before the Erie bill was introduced.

Q. But before any action was taken upon it? A. Yes, sir; all this kind of rumors have been floating through the atmosphere.

Q. What rumor have you ever heard relating to the use of money in relation to the Erie bill? A. I do not know any thing more than what appeared in the *Tribune*.

Q. Have you ever heard any rumor in regard to the use of money in reference to the Whitehall and Plattsburg bill? A. I did not say that I had.

Q. Please state why you deemed it proper, upon this examination, if you have heard no rumor in regard to money in reference to the Whitehall and Plattsburgh bill, to bring it in here in your testimony. A. I stated this: that all the rumors connected with these roads have been right through.

Q. What rumor have you heard in regard to the Whitehall and Plattsburgh bill, in reference to the use of money? A. I have never heard any.

Q. Why did you state here any thing with reference to the Whitehall and Plattsburgh bill? A. You seemed to press me.

Q. I did not press you except to answer my questions; why did you speak of the Whitehall and Plattsburgh bill unless you had heard rumors of the use of money? A. I stated that these rumors existed with reference to the Harlem, Hudson River, Central and Erie, and the Whitehall and Plattsburgh bill was lugged in in the same way.

Q. Was there any reference to the use of money for the promotion or defeat of the Whitehall and Plattsburgh bill? A. No, sir.

Q. What possible object could you have in alluding to the Whitehall and Plattsburgh road in this examination? A. I do not know as I had any object.

Q. Would it not have been as well to have left it out? A. I did not speak of it for a purpose any more than what I have said.

Q. You spoke of it because you had heard rumors, or because you had not? A. I stated just what there was of it.

Q. There was nothing of it relating to money or the promise of money improperly? A. No, sir.

Q. Did you mention it for any other reason except that you knew the chairman of the committee was interested in the passage of the Whitehall bill? A. I had no such thought when I mentioned it.

Q. Do you mean to swear that you have no information derived from any person interested in what you call the Erie war, on the one side or the other, on the use of money to promote the passage of that bill? A. Yes, sir; that is what I mean to swear to.

Committee adjourned.

THURSDAY, *May* 28, 1868.

The Committee met in the Senate Library.

Present—Messrs. HALE, THAYER and NICHOLS.

*Orlow W. Chapman*, being duly sworn, testified as follows:

Q. By Mr. HALE: You are the senator from the 24th district?  
A. Yes, sir.

Q. You were on the committee of investigation into the affairs of the Erie Railway company appointed at the last session of the Senate? A. Yes, sir.

Q. Who are the other members of that committee? A. It consisted of Senators Pierce, Bradley, Humphrey, Mattoon and myself.

Q. You and Senator Humphrey made a minority report? A. Yes, sir.

Q. You held two sessions of the committee in New York, or one session at least? A. I think we held one session there; I think there was a session of the committee or a portion of the committee before; the first knowledge I received of my being a member of that committee, was discovering in the paper on my way from home to Albany; the announcement that I was appointed a member of the committee; I understood that a portion of the committee had met in New York; we subsequently went down there and met in New York.

Q. You were present at only one meeting in New York of that committee? A. That is all; I was not here when the committee was appointed.

Q. Had you any knowledge of Senator Mattoon's visit to Jersey City during the pendency of that investigation? A. I had none; that is, you mean at the time we were there in New York?

Q. At any time during the pendency of that investigation? A. Subsequently I heard that Senator Mattoon had been to Jersey City, but from whom I heard that I do not know; I did not know that he was going, nor had I heard any thing about his going, until I supposed he had been there.

Q. Were you consulted by him or informed by him as to any such visit? A. I do not know whether Mr. Mattoon told me, that he had been to Jersey City, or not; I got it in some way, and it seems to me from some thing that he said, that he had seen some of the Erie men there, but I cannot tell what he told me specifically; in fact Mr. Mattoon and I had very little talk before the day we were to make the report; he boarded at the Delavan House and I at Stanwix Hall, and we did not come much together.

Q. You knew of no other member of the committee visiting Jersey City during that time? A. No, sir; nor have I heard of any.

Q. You stated, that you had but little conversation with Mr. Mattoon until about the time of the presentation of your report? A. About the time the report was to have been presented; it was to have been presented on Tuesday morning, and we did not present it until a day or two afterward; I think I can give you what there is about that a little shorter than you can get it from me by questioning; Mr. Humphrey and myself, a week before we were to act on our report, were at the Delavan House one evening; Senator Pierce and Senator Bradley were there; we were in Senator Pierce's room, and he read to Senator Humphrey and myself his report substantially, I should infer, as far as I can recollect, in the form in which it was presented; we suggested, either Senator Humphrey or myself, one or both, that there was something in there which we could

hardly feel like subscribing to, or something of that nature; at any rate we did not assent to it then, and stated, that we wanted to look further; on coming away, Senator Humphrey and myself canvassed matters a little in relation to that, and it was understood, that we should shape our ideas a little upon that report, either in accordance with theirs or otherwise, just as we saw fit; I went to work that Saturday afternoon, and penciled out a sort of outline of my views in regard to it; on Sunday, my impression is, I saw Senator Humphrey, and I read it over to him, simply the points, that I regarded as important; subsequently Senator Mattoon came up, I think, at the suggestion of Senator Humphrey.

Q. By Mr. THAYER: The same day? A. Yes, sir; I think it was Sunday; I think that Senator Humphrey suggested to me that Senator Mattoon was going to be with us, or something of that kind; at any rate we got together, and I read the same thing over to Mr. Mattoon, and told him these were my views substantially; then I think I went to work on Monday—as the report was to be in the next day—to draw up the report; I drew up the report I think Monday night, with the understanding that Senators Mattoon and Humphrey were to come to my room in the evening; along about ten or eleven o'clock Senator Mattoon came in.

Q. On Monday evening? A. Yes, sir, that is my impression; I had then got the thing pretty nearly penciled out; it was all interlined, but I read it over to him as near as I could make it out from the penciling that I had before me; I had it on little scraps of paper—a little here and a little there, and here interlined and there erased; I told him that I would copy it, and that he and Senator Humphrey could read it over and see if that was their views; the next morning Senators Humphrey, Mattoon and myself were there; I think ex-Senator Ramsay was there also at that time; I had got it then drawn and completed, and was alone, when ex-Senator Ramsay came in and asked me something about the report; I remarked to him that he was a friend of mine, and that I had confidence in him, and that I would read the report to him; he said he would like very much to hear it; I had previously refused to see any body on that matter; somebody brought me word that they wanted me to go and see Mr. Gould, at the Delavan House.

Q. Jay Gould? A. Yes, sir; I told the person that brought word that I should not go; they came a second time to have me go and see Mr. Gould, and I said I would not go, that I did not want to see him, and should not see him until after I had got through the report; I had got the report completed, and I read it to ex-Senator Ramsay, and whilst I was reading the first few lines Senator Mattoon came

in, and I read a little further, when Senator Humphrey came in, according to appointment, and then I read over the report; then we were to go over to the Delavan House and read the report there, and meet Senators Pierce and Bradley, the other members of the committee; their report was to be read and our report was to be read, and each one was to sign whichever report he saw fit; that was all the consultation I had in regard to it before submitting the report; after the submission, of course there would be no consultation.

Q. At that interview were you three agreed as to the report; that interview on Tuesday morning? A. I supposed we were; I supposed that Senators Mattoon, Humphrey and myself were to sign that report, and the report was made out as the report of the committee; that was what I supposed.

Q. By Mr. THAYER: Were any objections made by Senator Mattoon to your report at that interview? A. None that I remember.

Q. Did he in substance indorse; did he approve of it? A. I understood that he approved of it; I understood that it was to be considered as our report; it is possible that Senator Mattoon may have said something, that he would wait until he saw the other report before he signed; but the impression left on my mind was, that Senator Mattoon was to act with us in the report.

Q. By Mr. HALE: Are you at all certain upon which day it was that the report was presented to them; my recollection was that it was presented on Tuesday? A. It was not; Tuesday was the last of the five days; the time of the committee was extended to five days, and the report was to be presented on Tuesday morning when we came up; I know it was not until one or two days afterward; but the report was not changed any after that morning; I know that until some time during the forenoon of Tuesday, or of the day on which it was reported, I rather thought that Senator Mattoon was going to be with us; but after we had had our meeting at Senator Pierce's room at the Delavan House, and Senators Pierce and Bradley had signed our report, and Senator Humphrey and myself the other, and Senator Mattoon did not sign either, which was on Tuesday morning, there was a question in my mind as regards Senator Mattoon; I recollect Senator Mattoon making this remark, that he thought my report was pretty strong, and he said also, that he thought Senator Pierce's report was pretty strong, and he wanted to think of it; I think it was either Wednesday or Thursday that we presented our report.

Q. By Mr. HALE: Senator Humphrey and yourself alone presented the minority report? A. Yes, sir; by me.

Q. Have you any knowledge of the payment of, or offer of money or any valuable thing, to any member of the Senate during the last session, to influence any vote or action in the Senate or in committee? A. None whatever.

Q. Have you any information of such payment or offer from any person professing knowledge on the subject? A. No, sir.

Q. Or from any person interested or professing to be interested in any legislation concerning railways? A. No, I think not.

Q. By Mr. THAYER: Have you heard any one say that he has been offered money or promised money? A. No, sir.

Q. Have you any knowledge or information from persons professing knowledge, as to the amount expended by the directors of the Erie Railway company, or what is known as the Vanderbilt interest, to influence or affect legislation in the Senate? A. I know nothing except those rumors which were flying around, which I did not attempt to fasten in my mind; of course we have all heard rumors about a million of dollars being spent, and statements of that kind.

The committee then adjourned.

FRIDAY, May 29, 1868.

The Committee again met in the Senate Library.

Present — Messrs. HALE and NICHOLS.

*John Van Valkenburg*, being duly sworn, testified as follows:

Q. You reside in Albany? A. Yes, sir.

Q. And are superintendent of the Albany and Susquehanna Railroad company? A. Assistant superintendent and acting superintendent; we have no superintendent now.

Q. Were you present at the Delavan House in this city, and hear a conversation between Jay Gould and Lewis F. Payne, on or about the 20th of April last? A. I was there at a conversation, but I could not swear to the date; I think it was about that time.

Q. Was it a day or two previous to your being subpoenaed to appear before this committee? A. Yes, sir; two or three days I should think certainly; it may have been a little longer.

Q. Who is Lewis F. Payne, and where does he reside? A. He formerly resided in Columbia county.

Q. Is he now port warden of New York? A. He is now harbor master I believe, and lives in Brooklyn; his office, I think, is at Pier 30, North river, near the Erie Railway company's office.

Q. State the conversation as far as you can recollect it between Gould and Payne? A. Mr. Payne was in the Delavan House, and Mr. Gould came down stairs and walked off by the desk to the private door which goes into the Delavan House office, the door toward

the railroad; Payne and I were right by the desk about where the registry book lies, and we were talking there when Mr. Gould came down; as Gould went by, Payne walked off towards that door where Gould was, and they commenced talking; I walked by that way and they began to talk pretty sharp; both of them seemed to be considerably excited; they had quite a spat there; I heard them talking about money; Gould said, "Payne, I paid you this money, and you ought to pay it back;" Payne said, "I have done nothing but what is right; I have done just as I agreed, and I shall not pay the money back;" they went on and I could not say what they said, but it was pretty sharp talk; they were quarreling, and Payne called him "a son of a bitch," or something of that kind; I would not be positive as to the language, and said he did not ask any odds of the Erie Railway company; it was pretty sharp talk.

Q. By Mr. NICHOLS: You say Payne called Gould this epithet?

A. Yes, sir; it was something of that kind, but I could not be positive as to the language; Payne said he didn't care a damn for the Erie railroad, and he said also, "I don't care a damn for you; I have been badly treated in this matter; I have done just as I agreed exactly;" Gould seemed to think he had not, and said he ought to pay back the money; that was the amount of the conversation.

Q. Was there any amount of money named? A. There was no amount named.

Q. What did Payne say he had done with the money? A. He said he had done as he agreed.

Q. Did he say what that was? A. No.

Q. Was any thing said about any senator? A. I do not recollect that there was; I do not recollect in that conversation their using any senator's name.

Q. Did you hear any other conversation between them? A. No other time when they were talking about money.

Q. Didn't Mr. Gould, at that time, charge Mr. Payne with having appropriated to his own use money which he had received from him, on the pretense that he was to pay it to a certain senator? A. No; I do not think that Mr. Gould charged Mr. Payne with that, naming any senator.

Q. By Mr. NICHOLS: Or by any other designation, or by referring to any locality, or any thing of that sort? A. He said, "Payne, you have not paid that money as you agreed to;" Payne said that he had done just as he agreed, exactly, in this matter, but I do not think there was any name mentioned.

Q. Was it not stated one way or another, that the money was received by Payne for the purpose of giving it to some senator, or

substantially that? A. I do not think there was any thing of that kind; I do not think that they used the name of any senator in that conversation, to my recollection.

Q. Did either of these gentlemen inform you, or did you get from either of them the amount of money referred to. A. No, not at that time.

Q. At any time? A. I heard a good many different stories.

Q. I mean from either Payne or Gould? A. I do not know exactly how to answer that question; I know that the report was—

Q. I am not asking about reports; I am asking what you heard Payne or Gould say at that time, or any other? A. I heard Payne say, in a conversation with me, about different senators getting their pay, but I do not think the senators were named.

Q. What did Payne say to you about the money he had received? A. He said that all the money he had received he had paid as he had agreed to—how or where I do not know; I do not know that he ever received any; I never saw any money, and I do not know that there was a dollar paid.

Q. Didn't he mention to you the amount of money that he had received? A. I think he did; I think he said he had received so much money.

Q. How much? A. I think it was ten thousand dollars.

Q. When did he tell you that? A. I could not tell you.

Q. Before or after the conversation you have spoken of? A. Before, I think it was.

Q. For what purpose did he say he had received that ten thousand dollars? A. He told me that he had received some money to pay for his services.

Q. For whose services? A. In acting and working to get the Erie bill through.

Q. Did he not tell you that he had received money to pay a senator for his vote or action on the Erie bill? A. No; I do not recollect that he said he ever received money, naming the senator.

Q. I did not ask you if he named any senator, I asked you if he did not say that he had received money to pay a senator to influence his action on the Erie bill? A. No, I do not think he did.

Q. By Mr. NICHOLS: Do you wish us to understand you as saying that the money was received for his services and nothing else? A. I understood that to be the object—that this controversy was about that—that this was money he had got in New York and here to pay for his services.

Q. Didn't you tell Senator Palmer in the Senate Chamber, about the time or soon after the time of this conversation, that Payne



claimed that he had paid Senator Palmer \$10,000 for his vote upon the Erie bill, or words to that effect? A. Well—

Q. That is a very simple question; just answer it. A. I do not recollect in regard to that.

Q. You do not recollect? A. No, sir.

Q. Did not Senator Palmer, in consequence of you telling him that, bring you to my room at No. 6 Park street, in this city? A. I do not know that he brought me to your room.

Q. Didn't you come to the rooms occupied by us in this city? A. I cannot say; I don't know whose room it was.

Q. Don't you recollect going to the rooms occupied by Senator Palmer and me, in April last? A. I recollect going over to Mr. Palmer's room; he asked me to go to his room.

Q. You saw him there? A. Yes, sir; I do not know whether it was your room or whose it was.

Q. It was the room where you saw Senator Palmer and me? A. Yes, sir; that is where I saw Senator Palmer and you; but I don't know who occupied the rooms.

Q. Didn't you inform me there that you had heard a conversation between Jay Gould and Lewis T. Payne, in which they spoke of \$10,000 as having been paid by Gould to Payne for Senator Palmer's vote, and in which Payne claimed, that he had paid the money to Senator Palmer, and Gould denounced him for having appropriated it to his own use, or substantially that? A. That was a supposition of mine; that was my belief at that time, that there was something of that kind; it was only a supposition of mine; not that I knew that of my own knowledge.

Q. Did you tell me there, that you heard Payne make that claim to Gould, and Gould denounced him for not having fulfilled his agreements in that respect? A. Not mentioning Palmer's name, that I know of.

Q. Do you mean to say, that you did not mention Senator Palmer's name to me or to Senator Palmer in that conversation that I referred to, in the Senate chamber, as being the senator who was alluded to in the conversation between Gould and Payne? A. I do not recollect, that I told you so.

Q. Do you recollect informing Senator Palmer, that he was the person referred to and alluded to? A. I think I told Senator Palmer, that I thought he was, from what I heard outside; I had formed the opinion.

Q. Didn't you tell me, that Payne said that Senator Palmer was the person alluded to? A. I do not recollect that; I told Mr. Palmer, that Mr. Payne said he was the person.

Q. By Mr. NICHOLS: Or, that Gould said, that Payne had received money for that purpose? A. That Payne had received money for the purpose of paying Palmer, do you mean?

Q. Did you not give both Senator Palmer and myself to understand that you heard a conversation between Gould and Payne, in which both conceded that Payne had received \$10,000 to secure Palmer's vote, and the dispute was as to whether he had actually paid it or not, or words to that effect? A. [After hesitation.] I do not really recollect exactly what conversation I had that morning with you and Senator Palmer.

Q. Do you mean to say that you do not recollect whether you gave us to understand what was stated in the previous question? A. I suppose I gave you to understand that there was some rumors that I had heard, that there was money paid here, and that I had heard that money was paid to Mr. Palmer, and had heard that money was paid to other senators.

Q. Didn't you tell us that you heard Payne state that he had paid money to Senator Palmer? A. I do not think I told you that; I do not recollect that I did.

Q. Do you mean to swear that you did not tell us so? A. I could not say positively.

Q. Did not Payne tell you, or say in your presence, that he had paid money to Senator Palmer which he had received from Jay Gould? A. I do not think that he ever said that in my presence, that he had paid money to Mr. Palmer; he in an indirect way gave me to understand that he had, and I labored under the impression, but I could not swear positively that he did.

Q. You say he gave you, in an indirect way, to understand that he had; explain how and in what way he gave you to so understand? A. The information I got was in this way: of course it was in the time of this excitement in the Capitol, in the Senate; I had heard in different ways that Mr. Palmer was going to vote for the Erie bill; I had some doubts in regard to it myself, and believed that he would not; but I talked with him and told him what I had heard, that Mr. Payne seemed to think that he would; I had heard reports about different senators.

Q. I am not asking you about reports, but about Payne? A. I am trying to explain about Payne, but I cannot unless you let me; there was a talk that Mr. Palmer was paid; I understood that he was; that was the amount of it; as I said there was doubt in my mind whether Mr. Palmer would vote for the bill, and I told Mr. Payne that I did not think he would; he said, "I tell you he will, because he told me he would, and if you are not satisfied, I will call

him here and satisfy you ; if he says he will do just as he agreed to, you will be satisfied, will you not?" I said "Yes;" pretty soon Mr. Palmer came out by the post-office.

Q. In the Senate was this? A. Yes, sir; they were talking together when I went up, when Payne said to Mr. Palmer, "Palmer, you will do in this matter just as you have agreed?" He said, "Mr. Payne, just whatever I agree to I shall do;" I took it for granted that there was something back of it, because I had heard that Palmer had received money.

Q. From whom had you heard that? A. I could not say, but from different ones.

Q. Had you heard it from Payne? A. I think I had.

Q. When? A. I could not say; it was somewhere along there about that time—at the time the bill was up before the Senate.

Q. Did Payne claim that he had paid Palmer? A. He gave me so to understand; that is the way I took it—as I said I don't know that he said he had paid Palmer.

Q. By Mr. NICHOLS: How did he give you to understand it? A. By saying that Palmer was all right, in general conversation; that he was fixed all right.

Q. When did you first mention to Palmer that you had heard that he had received money? A. I think it was the same day, in the Senate, that Palmer went and asked if you had a blank subpoena.

Q. The same day you was subpoenaed? A. No, sir, before that.

Q. How long before? A. I think it was before; the day before I think I spoke to him in the library, and he went in and spoke to you for a blank subpoena; I think that was the day before; I will not be positive, it might have been the same day that I was subpoenaed.

Q. When you spoke to him on the subject, what reply did he make to you? State the conversation between you and him on that day at the time. A. I don't recollect; I think I said, "Palmer, how is it? some say that you have got some money by this thing—\$10,000;" I think I said that to him; I think I said, "Some one says that you got \$10,000, did you?" he said, "Who says so?" I said, "I don't know, but I have heard different ones say so;" then he immediately insisted upon knowing positively; I said that I had heard Payne say that he (Payne) had \$10,000.

Q. By Mr. NICHOLS: Did you not tell him that you had heard Payne say so? A. I do not recollect.

Q. Will you swear you did not? A. I do not recollect.

Q. Will you swear you did not tell him so? A. I might, and might not; I could not swear to it positively.

Q. What did Palmer reply? A. I think he asked me where Payne was, or something of that kind; he seemed considerably excited in regard to it.

Q. Did he immediately come to me for a blank subpoena? A. Yes, sir, I think he did; I think he came right in and asked you for a blank subpoena.

Q. Did he tell you for what purpose he wanted a blank subpoena? No, sir, I do not think he did; I am not positive whether he did or not.

Q. And, the next morning, did you go to his room with him at his request? A. Yes, sir; let me see; I do not know that it was the next morning or the morning after; it was thereabouts; I cannot say positively which.

Q. Did he then introduce you to me? A. Yes, sir; he did.

Q. And were you, on that day of your introduction to me, subpoenaed to attend before the committee that evening? A. I think it was that evening, but I will not be positive.

Q. Was the subpoena served upon you that same day? A. I could not swear as to whether it was that day or the next, but I think it was the same day, though I will not be positive.

Q. You were subpoenaed to attend the meeting of the Investigating Committee? A. Yes, sir; it was either that day or the next.

Q. Did you attend in pursuance of that subpoena? A. I came up here in the afternoon, I think.

Q. Did you attend in pursuance of that subpoena? A. I would like to explain; I do not know whether you would consider it an attendance or not.

Q. You can answer that question? A. I cannot answer it positively.

Q. By Mr. NICHOLS: When did the subpoena tell you to attend? A. I think at seven and a half o'clock.

Q. Did you attend at seven and a half o'clock? A. No, sir.

Q. By Mr. HALE: Why did you not? A. Because I came in the Senate chamber in the neighborhood of six o'clock, soon after I received it, and stated I could not attend, because I was about going to New York that night.

Q. Who did you see? A. I saw Senator Thayer; I told him I could not very well attend before the committee that evening, and desired to be excused.

Q. Did you tell Senator Thayer, that if you were excused that evening you would come the next evening? A. I do not think I did; I told him I had to go to New York, and as soon as I got back from New York I had no objections to coming before the committee.

Q. Did you tell him when you were coming back from New York?  
A. I do not think I did.

Q. Did you inform the committee when you did return from New York?  
A. No, sir.

Q. When did you return to Albany?  
A. I could not tell you the date.

Q. How long after you went?  
A. Something like a week, I should think.

Q. Did you apprise any member of the committee that you had returned, and were ready to attend?  
A. No, sir.

Q. You did not attend during that session before the committee?  
A. No, sir.

Q. Have you seen Mr. Payne since you were subpoenaed.  
A. Yes, sir.

Q. Where did you see him?  
A. In New York.

Q. Have you seen Jay Gould since then?  
A. I have.

Q. Where?  
A. In New York.

Q. Did you have a conversation with him in reference to this matter, or either of them?  
A. Yes, sir.

Q. With both?  
A. Yes, sir.

Q. Did you have a conversation with either of them in reference to your having been subpoenaed here?  
A. Yes, sir, I think I told them that I had been subpoenaed to appear before the committee?

Q. Did they or either of them, request you not to attend before the committee?  
A. I do not recollect that they did.

Q. Did they make any intimation of that kind, or wish that you would not appear before the committee, or either of them?  
A. I do not recollect what they said particularly about it; they talked and laughed about it, and then Mr. Gould explained the conversation they had at the Delavan House, that I had referred to--that I was misled in regard to it; I had a different impression after hearing what he said afterwards; I saw I was laboring under a mistake.

Q. Do you mean to say, that your conversation with Gould in New York changed your recollection of what had occurred at the Delavan House?  
A. No, sir; not changed my recollection, particularly.

Q. I understood you to say, that you had a different impression of that conversation after your conversation in New York with Gould?  
A. I did; I will answer you why, if you want I should.

Q. Go on.  
A. From reports I had received, I had the impression, that they meant Palmer, in regard to this matter; that was what I was laboring under, that they meant Palmer in regard to the money; but it was an entirely different thing.

Q. Mr. Gould informed you in New York, that it was another thing? A. Yes, sir; he did.

Q. Was the statement, that you made to Mr. Palmer true? A. I could not say, whether it was or not; I should think not.

Q. Was it intended to be true? A. It was the way I understood it, at that time.

Q. Was the statement you made to me true? A. I supposed that the statement I made to you was true at the time.

Q. You supposed it was true at the time? A. Yes, sir.

Q. If you stated to me, that you heard Payne say to Gould, that he had paid \$10,000 to Palmer, was that statement true? A. Do you mean true, that he paid it?

Q. If you stated to me, that you heard Payne say, that he had paid \$10,000 to Senator Palmer, was that statement you made to me true? A. I could not say whether it was true or not, I supposed it was.

Q. Is your recollection now more likely to be correct than it was at that time, as to what occurred between Gould and Payne? A. I do not know, that my recollection would be any better now than it was then.

Q. Did you receive any money from Jay Gould to promote the passage of the Erie bill? A. No, sir.

Q. Not any? A. Not any—not a cent, not to the value of a cent; if you want that I can give it very positive.

Q. I am very glad that there is something you are positive about. A. My memory is good on that point; I know that positively.

Q. Have you heard Mr. Gould or Payne tell of any other use that the \$10,000 received by Payne from Gould was put to? A. I have from Gould, that Payne received this money for his services.

Q. Ten thousand dollars? A. Yes, sir.

Q. Who told you that? A. Mr. Gould said that Payne received this money, part in New York and part here, and that it amounted to \$10,000, and he ought to pay part of it back; that was the way he explained the \$10,000.

Q. Why did he say that Payne ought to pay a part of it back? A. As I understand it, he was not to have so much for his services, that he got pay in New York and he got pay here.

Q. Did Gould give any reason for paying him so large an amount of money as \$10,000? A. He gave as a reason why Payne was paid so much money, as I understood it, that he had a part in New York and a part here; that Gould had paid him here.

Q. By Mr. NICHOLS: Who had paid him in New York? A. The Erie folks; I could not say.

Q. Not Gould? A. No, sir; somebody there in New York; I do not recollect the names, but some of the Erie folks.

Q. By Mr. HALE: How much in New York? A. I could not say the exact amount as I said; I do not know whether there was \$5,000 paid in New York and \$5,000 here, or \$6,000 in New York and \$4,000 here; I understood that \$10,000 was paid to Mr. Payne.

Q. For what services did you understand that amount was paid to Mr. Payne? A. For services here at the Legislature, in the Senate.

Q. What services? A. His services.

Q. What is the nature of those services? A. I do not know what the nature of the services would be any more than to get the passage of the Erie bill; secure the passage of it.

Q. By what means? A. I do not know whether good talk or money, I don't know which; I do not know but both, from reports that I have heard around.

Q. If by money, what money? A. Money that he had.

Q. Then in the term services do you include the payments that he was to make to members of the Legislature? A. I do not know but it was; that is what I supposed.

Q. Don't you know that that was it? A. I could not say that it was.

Q. Did you not hear from Gould & Payne that that was it? A. I don't recollect that I did.

Q. Is Mr. Payne a lawyer? A. Not that I know of.

Q. What is his business? A. Harbor master in New York.

Q. What was his occupation before he became harbor master? A. It would be pretty hard work to tell; he was a sporting man, I guess; I really do not know what his profession was; he kept fast horses, and stud horses and mares; he was a sporting man in horses, stock and all such.

Q. Was he a railroad man? A. Not that I know of.

Q. Has he ever, to your knowledge, been in the employ of any railroad company except as he was employed, as you have stated here? A. Not to my knowledge; I do not know that he has been a railroad man.

Q. Do you know, or have you heard of any services that Payne could render on getting a bill through the Legislature, unless by the payment of money? A. I thought so; I supposed he had considerable influence.

Q. Influence with whom? A. He had a good deal of influence with his party; he is very strong in the district.

Q. What district? A. The Second Assembly district, in Columbia county, and all through the county and the Senatorial district;

he is a good wire-puller — a good politician — a tip top one ; he is a very shrewd man — what you would call a worker ; he is a hard man to work against ; I have worked against him a good many times ; I have had a good many pulls with him, I being a Democrat and he a Republican, and we used to fight one another pretty sharp in the district ; he is about as hard a man as there is in the district to beat ; if you could get him to keep quiet, or out of the way ; it would make a good deal of difference in the district, or in the county of Columbia ; he is as good a worker as you have got down there.

Q. I have not got him down there ? A. If you were down there running for office you would want his influence.

Q. There are only two members of the Legislature from Columbia county ? A. That is all.

Q. And they are both in the Assembly ? A. Yes, sir.

Q. Was Payne here before the introduction of the Erie bill into the Senate ? A. Yes, sir, I think he was ; he was here when the bill was in the Assembly — when the first bill was introduced and was beaten.

Q. Did you learn from either of these gentlemen at what time Payne received this amount of money ? A. No, sir, I did not hear what time he received it ; I don't know that he ever did receive it ; I cannot swear that he ever received a dollar ; I don't know that he did one way or the other.

Q. But you heard from Payne and Gould that he did receive it ? A. I heard from Gould that he received the money.

Q. You say that when you told them about your being subpoenaed they laughed about it ? A. Well, they made a little joke about it, or something.

Q. They considered it rather a good joke ? A. Yes, sir ; they wanted to know what the committee wanted of me, and so on ; I could not say, there were different remarks.

Q. Did you hear from either Mr. Gould or Mr. Payne, that money had been paid or offered to be paid to or for any other senator's vote by either of them, or indicating any senator by his locality or any other designation ? A. I heard Mr. Payne say, that different senators had got different amounts of money ; I am quite positive that I heard him say that different ones had been paid so and so ; one getting so much and the other so much.

Q. Who, and how much ? A. I don't know as I recollect exactly now.



Q. Do you recollect any body? A. I think I heard him say, that he had heard that Senator Mattoon had sold out; that he had got — I don't know that I heard Payne say so, but I heard some one say that he had got \$10,000.

Q. I am asking you what you heard Payne say? A. I think he said to me one day, "They say that Mattoon got \$25,000."

Q. Did he speak of himself having paid him, or of offering to pay him or any other senator? A. I don't think that he did.

The Committee adjourned.

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SATURDAY, *May* 30, 1868.

The Committee again met.

Present, Messrs. HALE, THAYER and NICHOLS.

*Abiah W. Palmer*, being duly sworn, testified as follows:

Q. By Mr. HALE: You are the senator from the 11th senatorial district?

A. Yes, sir.

Q. And reside in Dutchess county?

A. Yes, sir.

Q. Do you know John Van Valkenburgh?

A. I knew John Van Valkenburgh, former Member of Assembly from Columbia county.

Q. Now Assistant Superintendent of the Albany & Susquehanna Railway company?

A. Yes, sir; I know him.

Q. Did you have a conversation with him in reference to the Erie bill, and your action upon it in April last in the Senate chamber?

A. I did.

Q. State the substance of that conversation so far as you can recall it, relating to this matter? A. He called upon me at my seat after the adjournment of the Senate, and asked me if any thing had transpired between Payne and myself in relation to my vote on the Erie bill, or if I had any understanding with Payne in relation to my vote; I told him no, that Payne had never inquired of me how I was going to vote, but that I met him coming up on the cars soon after the bill was first introduced in the Senate, and in a general

conversation stated emphatically, that I was opposed to the bill, and that he, Payne, had never asked me to vote for the bill, or exchanged any words with me, that I now recollect upon the subject; he then said that Payne must be an awful liar; that Payne had claimed to have an influence over my vote; that it had been disputed by himself and others who knew me, and knew that I was opposing the bill all the time; and that, whenever they went to Payne and told him I was opposing the bill, he said I was all right and would vote for it, if my vote was necessary to carry it; I asked him if Payne had any money for my vote, and he said that he believed he had, and that an effort had been made to get it back from him; I asked Van Valkenburgh if he believed the story that I would take money for my vote, and he said no, that he did not believe it, and therefore, when he heard of it, he told parties that it was false, and that I was working all I could against the bill; he said that there was only one thing which Payne had done which had any influence with him to make him believe Payne's story, and Van Valkenburgh asked me if I didn't remember one time, in the Senate post-office, of being in a conversation with Payne, when he, Van Valkenburgh, came up; I told him I did, and he asked me what the conversation was about; I told him that Payne had called me to ask me if I would not see Captain Goddard and use my influence with him to secure for Payne a better district next year as harbor master; Payne had spoken to me before on that subject, and I had promised him that when Captain Goddard came to the city, if he would let me know, I would see him and try to get Payne the district he desired; on that morning a page came to my seat and said that a gentleman wanted to see me in the lobby; I stepped out there; I met Mr. Payne; he said "Captain Goddard is here now and I want you to see him;" just then Van Valkenburgh came up, and Payne said to me, "will you do as you promised;" I said, "Yes, I will go right in and do it now;" I went back to the Senate chamber at once; Captain Goddard sat by the railing in the lobby, and I sat down by him and asked him if he would not give Payne a better district; I told Van Valkenburgh this; Van Valkenburgh replied to me, that when I left and went back into the Senate, Payne said to him, "There, don't you see, go and tell Jay Gould that."

Q. The conversation between you and Payne in the post-office had no reference whatever to the Erie bill, or any thing connected with it? A. Not at all; it was not mentioned.

Q. By Mr. THAYER: It was, that you would use your influence to secure a better district for Payne with Captain Goddard? A. Yes, sir.

Q. Did you have any conversation with Payne relative to the Erie bill on that occasion — continue your conversation with Van Valkenburgh? A. Not a word; I explained my indignation to Van Valkenburgh, and told him, that if Payne had sold my vote, as he represented, I should make him smart for it; I told him I thought it due to me, that Mr. Payne should appear here, and that if he had been selling my character and good name he ought to be punished.

Q. If he had made any such statement? A. Yes, sir; I asked Van Valkenburgh if he would not call at my room the next morning; he did call, and I introduced him to Senator Hale, the chairman of this committee, and we had a conversation upon the same subject.

Q. Do you recollect what he stated, that morning? A. In substance the same as I have just stated.

Q. Don't you recollect that you went into the back room and left me alone with him, saying that you preferred that I should talk with him alone; that was after we had conversed with him a little? A. Yes, sir; to see if he would tell you the same story he had told me; I recollect of conversing with you, stating, that I would like you to have the conversation with him to see if he would tell the same story.

Q. Do you recollect in these conversations, or either of them, of his speaking of having heard an angry altercation between Jay Gould and Payne, in reference to the use of the money which Payne had received? A. Yes, sir; I did.

Q. Do you recollect what he gave as the substance of that conversation between Gould and Payne? A. It was, that Gould had told him that he had obtained the money under false pretenses, and that he had not had the influence which he claimed, and did not use the money as he claimed, and that Payne said, in substance, that Gould had not done by him as he agreed, and he did not ask any odds of him; afterward, on the same day, I had another conversation with Van Valkenburgh, in which he attempted to qualify and explain what he said before.

Q. Did you understand from Van Valkenburgh, at the first or second conversation, how much money Payne had received from Gould? A. My impression is that he told Senator Hale and myself that it was \$10,000.

Q. Had you, at any time before the final disposition of the Erie bill in the Senate, any conversation with Payne relative to your vote or action upon that bill? A. No, sir; not that I remember — no direct conversation.

Q. Had you ever indicated to him, or any body, that you would vote favorably under any circumstances upon that bill? A. Never; I had stated to him and every body else that I should fight it to the last.

Q. Had there been any doubt or concealment on your part, as to what your sentiments were in regard to that bill, from the time of its first introduction? A. Never; Van Valkenburgh said that Payne acknowledged that I was fighting the bill.

Q. Have you any knowledge of any party or parties interested in supporting or opposing any measure relating to railway companies, who have, either by person or agent, either directly or indirectly, paid or offered to pay, any Member or Members of the Senate, during the present session, any money or other valuable thing, to influence his or their vote or action in Senate or committee? A. No; I will add that Van Valkenburgh stated to me, that after Mr. Gould came to Albany and learned my reputation, he (Gould) had repeatedly tried to get this money back from Payne, but had failed to do so.

TUESDAY, *June 2d*, 1868.

The Committee again met.

Present — Messrs. HALE and NICHOLS.

*John F. Mines*, being duly sworn, testified as follows:

Q. By Mr. HALE: Where do you reside? A. At Mott Haven, Westchester county.

Q. Please look at this copy of the "Independent," dated May 21st, 1868, at the article entitled "The late Legislature," and signed "J. F. M." [producing the newspaper and handing it to the witness.] Are you the writer of that article? A. I am.

Q. I call your attention to a few passages in it:

"And thus it has happened that the Legislature of 1868 justly bears the opprobrium of being the worst assemblage of official thieves that ever disgraced the capital of the Empire State."

"It is true that there were honest and pure men in the Senate — men who had the good of the people at heart, but they were in a powerless minority."

"Longer in office than any of its predecessors, it far exceeded them in corruption. With less mental capacity than any similar body, it combined intense rapacity with a total want of self-respect. Its private venality was only equaled by its eagerness for public plunder."

I wish you would state first whether you have any knowledge in regard to the statements which I have read to you, or in the first place will you state what you mean by an "official thief?" A. I mean a person who, holding an official position, is influenced by pecuniary motives in his official action.

Q. Do you know of any member of the Senate or of the Legislature to whom that term, as defined by you, would apply? A. I do not of personal knowledge.

Q. Again you state that "the honest and pure men in the Senate-men who had the good of the people at heart, were in a powerless minority. Have you any knowledge as to the number of Senators who were not honest and pure men? A. My allusion there, if I remember, is to be taken in connection with what went previously, not wholly in regard to pecuniary matters, but, also in regard to the influences that brought about the vote on the sheriff's bill and the Whitehall and Plattsburg bill; I had been speaking of the attempt to pass those over the Governor's veto, and I did not refer to pecuniary motives alone.

Q. Did you mean, then, that none of the Senators who voted to pass either of those bills over the Governor's veto, were honest and pure men? A. By no means, sir; the whole thing was to be taken in connection together.

Q. Please then explain particularly what you do mean when you say, that "the honest and pure men in the Senate were in a powerless minority?" A. I meant the men who were above any pecuniary influences, any influences of "log-rolling" or any other improper influence that does affect legislation.

Q. Toward the close of your article you say, "This Legislature far exceeded any of its predecessors in corruption." You speak of the "intense rapacity," its "private venality" and its "eagerness for public plunder." Now, Mr. Mines, if you have any knowledge of that subject or any information derived from any person professing knowledge, which will enable us to elicit the facts, you will please state it? A. In that article I expressly forbore from any charges against individuals; of my personal knowledge I am not acquainted with any thing of the kind; I of course heard rumors that filled the atmosphere of the Legislature; these remarks were intended to apply to the tax levies, the appropriation bills, and other bills which passed both houses, that contained items that had been more or less commented upon by the press, and that made the Governor, as the event has shown, slow to affix his signature thereto. In commenting upon those I more especially alluded to the Assembly; I also dwelt upon what I regard as the ease with which they passed

the Senate; as to individual bills, I touched upon them very lightly as you will notice; I know nothing particularly in regard to that; personally, I was entirely out of the Erie fight though I advocated the Erie side, as the newspapers for which I reported did; at the time of the hardest of that fight, I was sick with the fever and ague and absent from the Legislature; and hence saw but very little of the lobbying that is reported to have taken place; my remarks in that article apply more particularly to the bills appropriating moneys that passed the Legislature than any thing else.

Q. You have failed to answer one branch of the question; I understand you to say that you have no personal knowledge; a part of the question was, whether you had any information from any person professing knowledge on the subject of corruption and venality? A. I cannot remember that I had.

Q. You say that you were careful not to mention individuals; did you write this sentence, saying that "the honest and pure men in the Senate were in a powerless minority," without any knowledge of corruption and venality, and without any information of such corruption and venality derived from any person professing knowledge? A. My initials are appended to that article.

Q. I was aware of that. A. And the article went in at my desire in that shape because it expressed my own opinion in regard to that and other matters; I considered the action in regard to reconsidering the vote upon the Governor's veto to be unconstitutional, and therefore I spoke in that respect as strongly as I did.

Q. Then you have no ground for charging the majority of the Senate with being dishonest and impure, except that they differed from you in opinion upon a constitutional question? A. [After hesitation] I only hesitate in answering in order to put my response in a tangible shape; because I think, from the beginning to the end of the session, there were a good many little things which to me showed which way the wind blew.

Q. I will repeat the question: Then have you no ground for charging the majority of the Senate with being dishonest and impure except that they differed from you in opinion upon a constitutional question? A. Yes, sir.

Q. Please state what other grounds you had. A. I heard rumors which seemed to me authentic, as to Senator Mattoon having been bribed to report on one side of the Erie question, and then having been paid to vote upon the other.

Q. Have you any further statement to make upon that point—any other ground for believing the majority of the Senate to be dishonest and impure? A. I heard that another Senator had been

induced to stay away from the vote on reconsidering the veto of the Governor on the sheriff's bill.

Q. Is that all? A. I cannot recall now what I may have heard as to others during the session. I would like to have you read that passage again from the *Independent*.

Mr. HALE read as follows: "It is true, that there were honest and pure men in the Senate—men who had the good of the people at heart, but they were in a powerless minority."

Witness: I do not think it follows from that, nor do I mean, that the majority of the Senate were dishonest.

Q. By Mr. NICHOLS: What did you mean? A. I meant that some of them might be dishonest, and some of them might not have the good of the people at heart.

Q. Why did you use the words majority and minority? A. On account of those two votes upon the sheriff's bill and the other bill, which seemed to me the two most important votes of the session.

Q. By Mr. HALE: You considered, then, that no man who voted for carrying either of those bills over the Governor's veto could be honest and pure, and have the good of the people at heart? A. He would fall under one of those classes.

Q. You consider that no one who voted to carry either of these bills could be honest and pure, and have the good of the people at heart? A. [After hesitation.] I cannot answer that question categorically.

Q. You have said, that you mean that some of the men who voted for these bills were dishonest and impure, and that some of them did not have the good of the people at heart; my question is, whether you mean to be understood that no man who voted to carry either of these bills over the Governor's veto could have been honest and pure, and have had the good of the people at heart? A. No, sir; I believe that there were honest and pure men who voted for them.

Q. And who had the good of the people at heart? A. I think not.

Q. You think they had not? A. I think they had not.

Q. What would be your definition of an honest and pure Senator, who had not the people at heart? A. I should say, that there might be a perfectly honorable and pure man who could be influenced by local or party prejudice to cast a vote which might not be for the general welfare.

Q. You stated, that you heard rumors in regard to a Senator you named, which you deemed authentic, to the effect you have stated; please state what evidence you have of the authenticity of those rumors; that is what we want to ascertain, whether those rumors are

correct or not? A. I heard these rumors, but attached no great credit to them until I read them in the editorial columns of the *Tribune*; I then inquired of a number of persons whom I cannot specify, as to the general belief upon the subject, and I made up my mind from that, feeling sure, in the first place, that they would not have been in the *Tribune* unless there were some good grounds for them.

Q. Did any persons from whom you heard this expression of belief profess to have any actual knowledge on the subject? A. No, sir; they spoke authoritatively, and I asked no further.

Q. Can you give us the names of any persons whom you believe to be possessed of actual knowledge or from whom the committee can ascertain the real facts? A. I cannot.

Q. Can you give any evidence of "venality," "rapacity," or "eagerness for public plunder," "dishonesty," or "impurity," on the part of any Senator except as you have already stated? A. No, sir.

Q. I now call your attention to another part of this article [reading]: "Twice a majority of the Senate willfully violated the Constitution of the State;" have you any knowledge or information of any willful violation of the Constitution of the State by the majority of the Senate, except their votes upon the bills which are referred to by you in the article? A. No, sir.

Q. You go on to state, "Twice they rode rough-shod over the righteous ruling of Lieutenant-Governor Woodford, and proceeded to reconsider the vetoes of the Whitehall and Plattsburg railroad appropriation and the infamous bill increasing Mr. Sheriff O'Brien's fees from \$75,000 to \$150,000 per annum." By the bill increasing Sheriff O'Brien's fees, you refer to the bill increasing the Sheriff's fees in the city of New York, do you not? A. Yes, sir.

Q. "Increasing the Sheriff's fees from seventy-five to one hundred and fifty thousand dollars per annum," is a matter of inference by you; there is nothing in the bill to that effect? A. There is nothing in the bill to that effect; it is the result of inquiry among parties in New York.

Q. You then state, "Nineteen out of thirty Senators belong to this ring;" what do you mean by "this ring?" A. I mean those who voted in the way indicated.

Q. Do you mean to say, that the same nineteen Senators voted to carry both these bills over the Governor's veto? A. No, sir; I do not; I am not certain as to their being the same nineteen.

Q. Please define what you mean by "this ring;" why you call it a "ring" if they were not the same nineteen who voted for both bills? A. In each case it seemed to me, in my judgment, as if there



had been a counting up of noses before the attempt was made to override the veto; that is what I meant by the slang phrase, "the ring."

Q. What is the meaning of that, as commonly understood; that slang phrase, "a ring," in the Legislature? A. I understood it to mean a combination of any kind.

Q. An exchange of votes? A. By no means; nothing but a combination; a counting of noses before hand, so as to know whether the bill is likely to pass or not, a thing that is often done in the case of any bill.

Q. Does it mean something discreditable or opprobrious? A. Not necessarily.

Q. By Mr. NICHOLS: Would you have applied that epithet to a bill which you thought was a good bill? A. I was going to add that it would be rather in a sense of opprobrium there.

Q. In this instance? A. Yes, sir.

Q. And was it so designed by you when you wrote that sentence? A. I do not remember that.

Q. Don't you know that when you wrote this sentence, you designed that the readers of this paper should understand that the Senators who voted to carry either of these bills over the Governor's veto, belonged to a "ring," and that that fact was discreditable to them? A. No, sir; that idea was not in my mind in the way in which you put it, but that they had combined for that purpose for the moment.

Q. What evidence have you of such a combination? A. None, except as I said, my own judgment, watching the vote in the Senate Chamber, and nothing further.

Q. Have you nothing upon which you based your opinion, except the votes as they were given and recorded? A. In one case, yes.

Q. Which case? A. The case of the Sheriff's bill.

Q. What evidence have you of either of the Senators who voted upon that bill, belonging to this "ring," as you say? The fact that Senator Williams was absent when the vote was taken.

Q. Did Senator Williams vote for carrying the Whitehall and Plattsburgh bill over the Governor's veto? A. That I do not remember.

Q. Don't you remember that on the first attempt to pass the Sheriff's bill over the Governor's veto, when Senator Williams was present, he voted against carrying it over the Governor's veto? A. I do.

Q. Have you any other evidence than the absence of Senator Williams, at the second attempt to pass the Sheriff's bill, of the existence

of the "ring" of which you speak? A. It was said, that he was induced to stay away by certain members, who I do not know, but who were in favor of passing the bill.

Q. My question is this: Senator Williams voted against the Whitehall and Plattsburg bill, and against passing it over the Governor's veto; will you explain to the Committee how his absence, when the vote was taken on the Sheriff's bill, was evidence of the existence of a "ring" relating to those two bills? A. It was reported that Senator Williams was induced to be absent during the vote upon the passage of that bill over the Governor's veto, of course, by parties in the interest of the bill; if it were so it would show some kind of combination among those who desired to pass the bill over the veto.

Q. Would that fact be any evidence of any "ring" or combination for the passage of these two bills, as you indicate in your article here? A. That fact applies to only one of the bills.

Q. You are aware, are you not, that Senator Thayer and myself were most earnest, perhaps, in attempting to secure the passage of the Whitehall and Plattsburgh bill, and that Senators Thayer, Morgan and myself voted against passing the Sheriff's bill over the Governor's veto? A. No, sir; it would be contrary——

Q. You are aware, are you not, that Senators Beach, Edwards, Crowley and Kennedy voted to carry the Sheriff's bill over the Governor's veto, and voted against the passage of the Whitehall and Plattsburgh railroad bill over the Governor's veto; is that, to your mind, any evidence of a "ring" or combination to carry those bills over the Governor's veto? A. No, sir; it breaks up the idea of a single "ring."

Q. Would not this article, which I read to you, stating that, "Twice they rode roughshod over the righteous ruling of Lieutenant-Governor Woodford, and proceeded to reconsider the vetoes of the Whitehall and Plattsburgh railroad appropriation and the infamous bill increasing Mr. Sheriff O'Brien's fees from \$75,000 to \$150,000 per annum. Nineteen out of the thirty-two Senators belonged to this ring, and are thus recorded"—convey to any reader who knew nothing of the facts the idea that there was a "ring" formed to pass those two bills, and that nineteen out of thirty-two Senators belonged to the "ring" and voted to carry out its object? A. Candidly, yes.

Q. That statement then conveys an incorrect idea and one which is unjust to the Senators alluded to, does it not? A. In part, yes.

Q. State in what part, if any? A. I still think that the bills belonged in the same category.

Q. Neither of these bills was carried over the Governor's veto, in fact? A. *They were not.*

Q. If Senators Hale, Morgan and Thayer, who voted for the first bill, had voted for the second it would have been carried over the Governor's veto? A. Of course.

Q. And if the four Senators last mentioned, who voted for the sheriff's bill, had voted for the Whitehall and Plattsburgh bill it would have been carried over the Governor's veto, would it not? A. It would.

Q. Then it is not true that nineteen out of thirty-two Senators belonged to a combination or "ring," which had for its object the carrying of those two bills over the Governor's veto? A. It is not.

Q. One other part of this article I will read to you:

"If any one were to attempt to number the bills that came up for barter, the wearied reader would soon cry out '*Eheu jam satis.*' The two Erie bills, the Hay bill, the Pro Rata Freight bill, the bills increasing the pay of firemen and sheriffs, the New York tax levies, the supply bill, and a hundred others will never be mentioned by the initiated, save with a laugh and a wink." Do you mean from that to imply that the bills named by you and a hundred others, were carried by, or attempted to be carried by barter and corruption? A. Will you read the first part of that extract again?

Q. [Reading.] "If any one were to attempt to number the bills that came up for barter, the wearied reader would soon cry out, '*Eheu jam satis?*'" A. I meant to say that those bills were passed or sought to be passed, as I heard and believed at the time, by bribery and corruption, and partly by log-rolling, which is included in that term bribery.

Q. You add this: "In the rogue's vocabulary such bills are god-sends. A single good one will pay electioneering expenses, the rest are set down upon the side of profit." Is that language consistent with any charge except that of bribery and corruption? A. It is not.

Q. Now have you any knowledge or information derived from any person professing knowledge of any bribery or corruption used in the passage of any of the bills named by you? A. I have not, and yet I believe that to be true; I inquired from time to time of persons whose names I cannot mention, for they were many, in regard to the bills, and in regard to legislation, especially down stairs in the Assembly, and I satisfied myself that it was true; I specially inquired of correspondents hereabouts in the Legislature in regard to this matter, but I specially forebore to learn of individuals and of incidents; I did not care to know; I did not want to know to believe it.

Q. Can you give us any information which will enable the Committee to obtain any evidence of this charge as applied to the Senate? A. For the reasons above named, I cannot.

Q. You specify some bills and then say, "a hundred others;" can you mention the other bills you refer to, or any of them? A. I cannot enumerate them; I understood that all the underground railroad bills, for instance, that applied here, were compelled to use money or to insert names in their bills, or make large promises of stock.

Q. Any other bills? A. I cannot enumerate them; I certainly heard more than two or three private individuals say that it was impossible, or almost impossible, to get a bill out of committee in the lower house without the use of money; these things I heard, and I was satisfied that they were true, and I purposely investigated no further.

Q. Can you name any other bill than you have named? A. I cannot now.

Q. You have, then, written this article, making a general charge of "corruption," "venality," "rapacity" and "eagerness for public plunder," against the Legislature, stating that the "honest and pure men in the Senate, who had the good of the people at heart, were in a powerless minority"—making a statement from which, you say, the natural inference is, that "nineteen out of thirty-two Senators" belonged to a discreditable "ring" for the purpose of carrying the two bills named over the Governor's veto, without any information or knowledge, except such as you have mentioned? A. That is all.

Q. What is your position in connection with the Senate? A. I am assistant postmaster.

Q. By whom were you appointed to that office? A. By Lieutenant-Governor Woodford.

Q. What are your duties as assistant postmaster? A. To attend to the post-office in the absence of the postmaster of the Senate.

Q. Have you performed any duties as assistant postmaster? I have.

Q. How much time have you devoted during the session of the Senate to that office? A. Comparatively little.

Q. You have drawn your pay, of course? A. I have, sir.

Q. How much? A. Five dollars a day.

Q. What is the whole amount for the session? A. About \$600.

Q. How many hours' time have you given to the State in return for that \$600—actual labor? A. I do not remember; I stated comparatively little; I was appointed a year ago last January; last winter.

Q. I am speaking of the recent session. A. I am coming to it; I was there last winter all the time; the present winter I had a friendly understanding with the Postmaster of the Senate, and also with the Post-office Messenger appointed by the Lieutenant-Governor, by which I might be in a large part relieved of my duties, while the office itself and the Senate did not suffer any, and nothing was neglected; I did it for the simple reason that the pay, for which I had to wait till the close of the session, even if I had received it weekly, would be insufficient for the support of my family, which is large, and I desired to add to it by corresponding for the newspapers, which I did, and which necessitated my being around about the Legislature.

Q. I will repeat the question: How many hours of time have you given to the State in return for that \$600—I mean of actual labor?

A. I stated that I did not remember, but comparatively little.

Q. As near as you can tell; you must have some idea about it. A. I have not any idea, for I was in there every day; I was there when they were absent at dinner; I cannot recollect.

Q. Were you in attendance upon the post-office twenty-four hours during the session? A. Certainly.

Q. Were you a week, take it altogether? A. It would be impossible for me to tell how many hours.

Q. Can you state that you were in attendance a week upon the post-office—actual labor? A. I cannot remember. I cannot tell.

Q. You have mentioned that you were corresponding for newspapers—what newspapers? A. The Brooklyn Union, and the Rochester Democrat.

Q. Is that all? A. The New York Citizen.

Q. Is that all? A. That is all.

Q. Were you not the correspondent of the New York Tribune? A. No, sir, only in the Constitutional Convention, while that lasted.

Q. Not in the Legislature? A. No, sir.

Q. You were, of course, corresponding for pay, for salary, for those newspapers? A. I was.

Q. Were you engaged yourself in advocating bills in the Legislature also. A. No, sir.

Q. Were you not earnestly advocating the passage of what is known as the Erie bill? A. I wrote in favor of it.

Q. Did you not advocate it with members of the Legislature? A. I do not think I did it with a single one.

Q. Were you employed to advocate that bill? A. I was not.

Q. Did you receive any pay or reward for it? A. I did not—not a cent.

Q. Did you not also advocate what is known as the Arcade Underground Railroad bill? A. I did.

Q. Both as correspondent, and also with members of the Legislature? A. I did as correspondent, and I spoke with members of the Legislature upon it.

Q. Were you employed to advocate that bill? A. I was not.

Q. Were you interested in the bill? A. I was not.

Q. Was your name in the bill as a corporator. A. It was not, either directly or indirectly.

Q. And you received no compensation for advocating it, either as newspaper correspondent or for your services here? A. Nothing, except that one of its friends said if it was passed I would be remembered.

Q. What did you understand by being remembered? A. I suppose that my services would be paid for.

Q. By Mr. NICHOLS: What meaning do you attach to the word "willfully;" you speak of two occasions on which Senators "willfully violated the Constitution of the State?" A. [After hesitation.] I mean that the constitutional question seemed clear in my own eyes.

Q. Any thing else? A. Nothing further.

Q. Does that sentence carry upon its face any other inference or meaning than that, to willfully violate the Constitution a Senator must violate his official oath? A. It did not occur to me so.

Q. "Willfully" means, "by a set purpose and determination," does it not; the mere exercise of the will to do a thing? A. Yes.

Q. Then, does that language carry upon its face any other meaning than that, to violate the Constitution, a Senator, who has taken the oath to support the Constitution, must violate his oath? A. I think not, for it did not occur to me so at all.

Q. Does not that language carry that as its only inference? A. That depends upon how one takes it; I can only say that it did not occur so to me.

Q. As a person reads that article, what meaning does it carry; a man may intend to say black when he means white, but what does the word "willfully" carry to the public? A. It may mean with "a set and thoughtful purpose," or it may mean a sudden impulse—a sudden willfulness.

Q. Does that change the allegation at all, if that violation is for a set purpose, or from a sudden impulse, is it any the less a violation of the official oath? A. I do not know that it is.

Q. Have you any other reason for imputing that willful violation of the Constitution, except the fact that the question seemed a plain

one to your mind? A. I have no other reason beyond what I have stated; I have stated the whole thing as well as I could.

Q. I want to have a specific answer whether it is not the natural inference deducible from that language, a violation of the official oath. A. I think it is fair to take my own opinion of it, as I wrote it; I say that it did not occur then to my mind, and that I had it not at all in my thoughts.

Q. But putting your thoughts at bar, I want to ask you again what is the natural and irresistible inference to the public when they read that language? A. I do not know; that is a question that I cannot answer; it might occur to them as it occurred to me, or it might not; it seems to you a natural and irresistible inference, but it does not to me, and the public may be divided in the same way.

Q. Can it carry any inference to the public except upon the supposition that such letters are written without much thoughtfulness or care? A. Let me see the paper.

[The witness was here shown the newspaper.]

Q. If that has any other meaning, I should like to have you tell me? A. [After hesitation.] I do not know that it has.

Q. What do you mean when you speak of an official being actuated by an "eagerness for public plunder?" A. I mean the placing, for instance, of large appropriations in certain bills; I referred more particularly to the tax levies; the determination to keep them there, and which results always in numerous conference committees, and the final passage of a large number of them; when I spoke of eagerness for public plunder, I referred particularly to the keeping of these appropriations.

Q. When you speak of "eagerness for public plunder" you exclude the idea that a Senator is to get any impure gains, and that he plunders for any body generally; you exclude the idea that he is interested in the public plunder? A. It excludes the idea that he is personally interested; his constituents may be.

Q. Then you think the fair inference may be, that it excludes the idea of any impure gains resulting to the Senator himself? A. Resulting to him directly and individually.

Q. What do the words "private venality" mean? A. The two expressions there are set off against each other.

Q. Rhetorically I know they are, but what do the words "private venality" mean? A. Individual willingness to sell oneself.

Q. What evidence have you for using that expression in reference to the Senate? A. Nothing beyond what I have stated.

Q. And that applies to how many persons? A. I do not know.

Q. You have spoken of one; have you no others, or any evidence implicating others in the charge? A. I have none.

Q. By Mr. FOLGER: Then you deliberately composed and caused to be published, an article which accused the Senate of the State of New York of private venality without evidence, except against one man? A. [After hesitation.] That statement that I made, applies to the whole Legislature.

Q. Yet you sat down, weeks after the Legislature had adjourned, and deliberately asserted of the Legislature of the State of New York, that it was affected by private venality, without even a rumor to affect more than one individual in that Senate? A. I will not say that, for I suppose, in common with others, I heard endless rumors, more especially affecting the Assembly of the State of New York.

Q. Then we will say, that upon mere rumor, after the adjournment of the Legislature for over ten days, you sat down deliberately and wrote and caused to be published, an article charging the Senate of the State of New York with private venality? A. No, sir; that was written within three days after the adjournment.

Q. Well, then, within three days after the adjournment of the Legislature, upon mere rumor, you deliberately wrote, and caused to be published, an article accusing the Senate, without distinction of persons, of private venality? A. Accusing the Legislature.

Q. Did you, then, three days after the Legislature adjourned, deliberately compose and write, and cause to be published, an article accusing the Legislature, without distinction of persons, of private venality, upon mere rumor?

[The witness hesitates.]

Q. What do you say to that? A. Rumor seems to me to imply what may be heard at a distance — mere rumor.

Q. If it was not mere rumor say that it was not? A. It was on rumors that I heard here, in and about the capitol, during the session.

Q. Did you ever undertake to trace these rumors to their source? A. I did not try to trace them to facts; I contented myself with asking individuals.

Q. Then, upon rumors, which you did not see fit to trace to facts, you made these assertions after the adjournment of the Legislature? A. Yes, upon rumors that I did not think necessary to trace to facts.

Q. Will you tell me what code of morals justifies that?

[The witness hesitates.]

Q. Is there any?

[The witness hesitates.]



Q. Can you answer? A. It did not seem to me at the time to be wrong; I was asked to write an article giving my ideas of the doings at Albany, and I did so.

Q. You spoke early in your examination of Senators being affected by improper influences; let me ask you if it is an improper influence when a man accepts an office for the money he can get for it, and not with a desire to render an equivalent for what he gets for it? A. That is intended to apply to me.

Q. It is a general question? A. If an office is supplied by two or three, and if its duties are fulfilled thoroughly so that the State suffers no detriment, I think no one is to blame.

Q. What do you answer to my question without making a personal application of it? A. If a person accepts it solely for the money without any regard for the duties, then I think it wrong.

Q. Then I will follow up by another question: Has such a man any right to criticise others?

Q. By Mr. NICHOLS: And accuse them of "private venality and an eagerness for public plunder?" A. Not if he does it from those motives.

Q. Were you paid for this article in the *Independent*? I am paid for everything I write.

Q. Did you write it for pay alone?

Q. By Mr. NICHOLS: Would you have written it but for the pay? A. That I cannot say; I might have done it out of personal regard for the editor.

Q. By Mr. HALE: More possibly from personal regard to the Senate, would you not?

Q. By Mr. FOLGER: Without the power to state a fact as a basis upon which this article is founded, how do you distinguish it from a slander? [The witness hesitates.]

Q. Can you? A. Because it was not written with any intent in my heart to slander or harm.

Q. Will you tell me what the intent in your heart was to pick out thirty-two men, holding a position in this State, and say that of those men the honest and pure were a powerless minority, unless you had some fact upon which to base your allegation? A. I did not mean that the honest and pure were in the minority; I meant that the honest and pure and those who had the good of the people at heart.

Q. Do you believe that the honest and pure were in the majority? A. I do.

Q. Do you believe, that those who had the good of the people at heart were in the majority? A. That I cannot say; these criticisms refer to the two attempts to pass bills over the Governor's veto.

Q. Then you believe that an honest and pure man may be a Senator, and not have the good of the people at heart; or, in other words, that that Senator may be honest and pure and still wish ill to the people? A. No; I believe, that, a man may be honest and pure and at the same time his political bias may be such as to be opposed to the good of a majority of the people; or, that his bias in any particular case may be such.

Q. What do you mean by having the good of the people at heart; what is your idea of the word; is it not the desire of the man? A. It is, strictly speaking, and yet the phrase may have reference to a line of conduct; it is a phrase that is used in rather a loose sense.

Q. Then you mean to say, that you did not mean to impute to the majority of the Senate any evil purpose? A. I did not mean to impute to the majority of the Senate dishonesty or impurity, nor have I felt it so.

Q. Don't you conceive it to be your duty to publish a supplement to this article expressing that? A. If such is the understanding of the Senators here who have read it in the way indicated here, I certainly will do so, as I had no intention, as I said, in that phraseology to indicate any such thing; I shall certainly be glad to do it.

Q. Here are thirty-two men, any one of whom is affected by that article and liable to be classed among those who formed a majority to carry unjust measures, and whose "private venality is only equaled by their eagerness for public plunder;" there is no discrimination; do you mean to have that idea go out to the world? A. I do not; I was cramped by having only a column and a half at my disposal for the article.

Q. But you got in a great deal of aspersion in that column and a half?

[No answer.]

Mr. NICHOLS: It is fortunate, I think, that it was not longer.

Q. By Mr. HALE: If you have, within your reach or in your possession, any evidence of "private venality, dishonesty, or impurity, or willful violation," of his oath on the part of any Senator, in any manner that is covered by the resolutions which I have read to you in administering the oath, I want you to disclose it now and here. Our purpose is not to whitewash or cover up any thing. We want to ascertain what the truth is, and, if you can give us any information on the subject, we want it fully, and without any reserve. If you have any thing to aid in the primary object of this investigation, which is to ascertain the truth or falsity of these rumors, that you have made a statement of, and given currency to, we should be glad to have you state them?

[No answer.]

Q. By Mr. NICHOLS: Do you or do you not think that that article, as judged of by the reading public, who, of course, cannot enter into your mind, contains a gross injustice to the Senate and the Senators?

A. I have said yes, as judged by your mind, and I speak of you as an exponent of the people; having a clear idea in my own mind, it has resulted in that; now, for the first time, I have heard that commented upon by the public, and it strikes me in the same way in which it does you.

Q. I understand you to say, that it does gross injustice to the Senate? A. I think it does.

Q. According to your judgment, what is the duty, as well as the pleasure, of a man who has done a great injustice to a body like the Senate of the State? A. He would own it up like a man.

Q. By Mr. HALE: You have spoken of the conclusion in your own mind on the constitutional question; I wish to ask you whether you are, by study or profession, a lawyer? A. I am not.

Q. What is your age? A. Thirty-three years.

Q. By Mr. NICHOLS: "Own it up like a man;" does that include the idea of reparation? A. I was about to add, make due reparation.

*Lewis F. Payne*, being duly sworn, testified as follows:

Q. By Mr. HALE: Where do you reside? A. I live in Brooklyn.

Q. You are a harbor master in the city of Brooklyn? A. Yes, sir.

Q. And formerly resided in Columbia county? A. Yes, sir.

Q. Were you here last winter when the bill known as the Erie bill was pending before the Legislature? A. I was.

Q. In the employment of the Directors of the Erie Railway company? A. Yes, sir.

Q. For what purpose were you employed? A. In the passage of the bill.

Q. Do you mean, to aid in the passage of the bill? A. Yes, sir.

Q. In what way? A. In any and every legitimate way.

Q. What does that mean? A. To talk with and bring any pressure to bear that I might upon any member of Assembly, or any Senator.

Q. What do you mean by pressure? A. Well, to talk with and convince them that the bill was right, and should be passed, and if I knew of any body that I thought would have influence with them, to see that they were here, and use their influence.

Q. Did you receive money for that purpose? A. For my services do you mean?

Q. To aid in passing the bill? A. I received money for my services.

Q. Did you converse with Senators upon the subject to urge the passage of the bill? A. I don't know that I did; I conversed with Senators.

Q. Did you talk with Senator Palmer to get him to favor the bill? A. I talked with Senator Palmer long enough to satisfy myself that he would not vote for the bill.

Q. You did satisfy yourself of that fact? A. I did.

Q. You found him opposed to the bill? A. I did.

Q. Did he ever say or intimate to you that under any circumstances he would go for the bill? A. He did not.

Q. From whom did you receive the money for your services? A. From Mr. Thompson.

Q. One of the directors of the Erie Railway company? A. I think he is; I am so informed.

Q. Where does he reside? A. I could not tell you; I presume he resides in New York.

Q. How much did he pay you? A. I don't know that that question is fair, Mr. Hale; what he paid me he paid me for my services and not for any wrong purposes—not to influence any Senator, or to pay to Senators; that was a matter between him and me.

Q. Then I don't see how you can have any objection to telling? A. It is my own private affair, and I don't think it is fair to press such a question.

Q. If I could see any way it could injure you in your affairs, perhaps I would not. A. I don't see how it will benefit any body.

Q. I can see. A. I am willing to tell all I know about this matter in any manner or shape; so that you can get at what you wish to.

Q. I don't see how it will harm you. A. I think it is hardly fair to ask the question.

Q. I think we shall have to insist on an answer; I don't see how any injury can result from it to you if it is as you state.

Q. By Mr. NICHOLS: We want to know how valuable he thought your services were? A. I shall refuse to answer at present, upon the ground that it relates to my own private affairs, and has nothing to do with the investigation.

Q. I suppose we are the proper judges as to what has to do with this investigation, and not you. I will ask you one other question: The services you refer to were in connection with the advocacy of the bill in question? A. Yes, sir.

Q. I will still give you an opportunity to answer the question. A. I shall refuse to answer it.

Q. By Mr. NICHOLS: Who is Mr. Thompson? A. I think he is a director of the Erie Railway company.

Q. Do you know that he is a brother-in-law of the President, Mr. Eldridge? A. I do not.

Q. By Mr. HALE: Where did you receive money from him? A. Here, at Albany.

Q. How did you happen to come in contact with Mr. Thompson on this subject? A. Mr. Thompson sent for me to come to his office.

Q. Sent where? A. To my office; he was in the Erie Railway building in New York; I don't know that it was his office, but he sent for me to come to an office in the Erie building, at the foot of Chambers street.

Q. Was it there he paid you the money? A. No, sir; I had previously to that been here advocating the bill that originated in the House, I believe; Mr. Thompson sent for me to come to the Erie building, and wanted to know if I would come to Albany and assist in the passage of the bill then in the Senate; I think the last bill originated in the Senate, did it not?

Mr. HALE: Yes.

*Witness:* I stated that I would not come until they paid me for my services that I had rendered in the other bill; he asked me the amount and I told him; he said he would pay it to me if I would go up, and asked me if I would take his word; I said, "Yes;" I said, "I will be in Albany to-morrow;" I came up that day, and saw him the next day at the Delavan House and he paid me the money.

Q. You refuse to state the amount? A. Yes, sir.

Q. Did you receive money from Jay Gould, also? A. I did.

Q. For similar services? A. For services in the Senate bill?

Q. In the Senate? A. Yes, sir.

Q. How much did you receive from Jay Gould? A. I refuse to answer that.

Q. Did you not receive in all, the sum of \$10,000? A. I refuse to answer that.

Q. Do you recollect of a conversation with Jay Gould at the Delavan House about the 20th of April last, in the presence of John Van Valkenburgh? A. I had a conversation with Jay Gould at the Delavan House, but I think not in the presence of John Van Valkenburgh; I think he was in the room.

Q. Did Jay Gould tell you, in that conversation, that you hadn't done as you agreed with the money, and that you ought to pay it back, or a part of it, or words to that effect? A. No, sir; I don't recollect of his saying any thing about my not having done as I agreed to.

Q. Did you tell him in that conversation that you didn't care a d—m for the Erie Railway company, and that you had done with

the money just as you agreed, or words to that effect? A. I don't think I did.

Q. Did you tell John Van Valkenburgh, shortly after that conversation, that you had "fixed" Senator Palmer, that he was "all right," and that he would "vote for the bill if it was necessary," or words to that effect? A. No, sir.

Q. Do you recollect of a conversation in the post-office room off the Senate Chamber, with John Van Valkenburgh and Senator Palmer? A. I don't know that I do. I talked with them both on several occasions.

Q. Do you recollect on one occasion, in that lobby, of telling Van Valkenburgh that Senator Palmer was "all right," and that you would convince him of it by calling him out and asking him if he would do as he agreed, or anything to that effect? I don't recollect of any such conversation.

Q. Did you not tell Van Valkenburgh, or give him to understand, that you had received \$10,000 from the directors of the Erie Railway company, and that by means of it you had secured Senator Palmer's support for the bill, or words to that effect? A. No, sir.

Q. What services did you actually render in promoting the passage of that bill in the Senate? A. I cannot tell.

Q. You say you talked with no Senator except Palmer, and that you immediately ascertained from him that he was opposed to the bill? A. Yes, sir.

Q. In what way did you render any service in procuring the passage of that bill in the Senate? A. For instance, if I thought there was a man that could influence a certain Senator.

Q. State the man? A. I don't know that I can specify any case.

Q. Can you specify any man whose assistance you obtained to influence any Senator? A. No particular Senator.

Q. Any particular man whose assistance you obtained to influence Senators or a Senator? A. I could name several men that I talked with, and they promised me they would do what they could in aid of the bill.

Q. Name them? A. Captain Godard.

Q. He is captain of the port of New York? A. Yes, sir.

Q. Who else? A. William Smelt, a harbor master.

Q. Who else? A. Wm. Ashman.

Q. Who is he? A. I don't know what his occupation is; but he is a Republican, and ran for the Senate last fall.

Q. Where does he live? A. In New York.

Q. Does he hold any office? A. I don't know.

Q. Is he not in the Tax Commissioner's office? A. I don't know.

Q. Who else? A. Hon. Samuel W. Carpenter, of Columbia county.

Q. What is he? A. A lawyer.

Q. Where does he live? A. At Kinderhook.

Q. Any body else? A. John Cadman.

Q. Who is he? A. A lawyer at Chatham Four Corners.

Q. Who else? A. I don't think of any one else now.

Q. Were these men, or either of them, employed to influence any particular Senator? A. No, sir.

Q. Did they receive from you any of the money you had from Gould or Thompson? A. No, sir.

Q. Did you render any services, besides speaking to those men you have mentioned, in securing influence for the passage of the Erie bill? A. I don't know that I did.

Q. How much time were you engaged, in all, at Albany, for this Erie Railway company, last session? A. I should think perhaps three or four weeks.

Q. Where were you stopping here? A. At the Stanwix Hall.

Q. Any more than four weeks? A. I think not; I think it was four weeks.

Q. Nor less than two? A. I should think between three and four.

Q. How was your time spent, while here in the business? A. A portion of the time was spent here in the Senate Chamber.

Q. How large a portion? A. I cannot tell; I think I was here every day, almost.

Q. Did you tell Van Valkenburgh that the amount you received, was \$10,000? I don't think I did.

Q. Did you expend any money for the Erie Railway Company, while here for the passage of that bill? A. No, sir.

Q. The amount you received from Gould and Thompson was entirely for your services during the three or four weeks? A. Yes, sir; except what expenses I might pay; I paid some expenses of some men who were here.

Q. Whose expenses did you pay? A. I don't recollect now; I know I paid Cadman's.

Q. How many more? A. I cannot tell; I don't know as there was any more than that; I paid them I know.

Q. What was the whole bill of your expenses, as near as you can tell, that you paid here? A. It would be hard to get at it.

Q. Was it \$500? A. I presume my expenses here were a thousand.

Q. And by expenses you mean only personal expenses, hotel, wines, and things of that kind? A. That is all.

Q. None of the money was expended upon senators? A. No, sir.

Q. What other senator besides Senator Palmer, did you ever speak to in reference to this bill? A. No senator particularly for the bill; I may have spoken of the bill.

Q. What senator did you speak with? A. Perhaps, Senator Williams; I have spoken to him of the bill, and about the prospects of the bill, or something of that kind.

Q. Did you? A. I don't know that I did.

Q. Did you have frequent conferences with Jay Gould while you were here, in reference to the bill? A. Yes, sir; I was in his room several times — three or four times perhaps.

Q. Did you hear him speak of paying money besides that he paid you, for the passage of the bill? A. Never.

Q. Have you any knowledge or information derived from any party interested in the passage of the bill, that any money was paid, or offered to be paid, or promised to be paid to any senator to secure his favor for that bill? A. No, sir.

Q. Have you any knowledge of any money that has been used or paid, since the passage of the bill, to any senator for his action in reference to the passage of the bill one way or the other? A. No, sir.

Q. Or any information derived from any of the friends or opponents of the bill? A. No, sir; nothing except what I heard here, and which everybody heard, I suppose, last winter — general rumor.

Q. You mean to say you have heard nothing from any person who professed to have any knowledge on the subject as to the payment, promise or offer of money, or any other valuable thing, to any senator, to aid in the passage of the bill? A. No, sir.

Q. Did you see Van Valkenburgh after he had been subpoenaed to attend this committee in New York? A. Yes, sir.

Q. In company with Jay Gould? A. No, sir.

Q. Did you say any thing to Van Valkenburgh to deter him from appearing before this committee? A. No, sir; on the contrary, I advised him to come.

Q. To come before the committee? A. Yes, sir.

Q. In the conversation to which I have alluded between yourself and Jay Gould, did he urge you to pay back part of the money you received? A. He claimed, that I had been paid twice for my services, and he wanted me to refund it.

Q. To refund what? A. That portion which he had paid me; I claimed, that the first pay I got was for services rendered in advocating the Assembly bill, and that the money he paid me was for services while the bill was before the Senate.

Q. Do you think that the services you rendered were legitimate and honorable? A. Yes, sir; if I understand you.



Q. Do you think that the pay you received was reasonable in amount, and not discreditable to you? A. Not discreditable to me—I will answer, no.

Q. Was it reasonable in amount? A. Perhaps not.

Q. Was it too much or too little? A. It is more than I would want to pay for the same services, but then I have not as much money as the Erie Railway company.

Q. Is it more than you demanded or asked? A. No, sir.

Q. It was more than they consented to pay for the services you rendered? A. No, sir.

Q. Then why do you refuse to tell us how much it was? A. Because I—perhaps for that reason that I might think it was too much.

Q. Is that the reason you refuse? A. That might be one reason.

Q. Is it a reason why you refuse? A. It is a reason.

Q. Have you any other reason for refusing? A. Only the reason I gave first, that it related to my private business.

Q. It related to your business as connected with the Legislature, did it not? A. No, sir.

Q. Was it not pay for services rendered about the Legislature? A. Yes, sir.

Q. Did you consider your services three or four weeks worth \$10,000? A. No; I did not.

Q. Did they consider it worth \$10,000? A. I don't know what they considered.

Q. How much do you consider your services worth? A. Perhaps I ought to state in justice to myself; the conversation that I had with another party; you have not got his name, but if you want me to tell it—I suppose you want me to tell everything I know, and that is what I want.

Q. By Senator FOLGER: Then why don't you tell; you know what you got? A. If I am obliged to tell it I will; I am no lawyer.

Q. You say you want to tell all you know? why don't you do it? A. There are three or four men asking me questions, and I want a little time.

Q. It is not difficult for an honest man to tell what he knows? A. I think I am an honest man or I pretend to be; when I was first employed in this thing, Mr. Davis, a director of the road, sent for me to come to his office; I went there and he asked me if I would go to Albany, and assist in the passage of this bill—that is the bill which was before the Assembly—which originated there; I told him that I could not do it, as I had some Erie stock, and my interest was all the other way, and I didn't want to see the bill passed; he asked me if there was any other reason except my stock and I said

no; he wanted to know how much it was and I told him; he said if we, or I, will take that off your hands at what it cost would you be willing to go there; I said I would.

Q. By Mr. HALE: Whatever they paid you was in addition to the purchase of the stock? A. No, sir; it was all in this amount.

Q. One transaction? A. No, not one transaction; but it was all in this amount.

Q. How much stock did you have? A. 500 shares.

Q. How much did it cost you? A. I think it cost me 78.

Q. How much did they pay you, stock and all, to come up here? A. That is the same question; I refuse to answer.

Q. What was Erie stock selling for at that time? A. I am not positive, but I should guess it was selling at anywhere from 70 to 71.

Q. And it cost you 78? A. Yes, sir.

Q. You have said that you refused to come here at first because you were a stockholder in the road, and didn't want the bill to pass; did you consider that the passage of the bill would affect stockholders injuriously? A. Yes, sir.

Q. And you were opposed to it on that ground? A. Yes, sir.

Q. Then the money you received was to come here and support a bill which you thought ought not to pass, in the interest of the stockholders? A. I thought it ought to pass; I said that it would have the effect to make the stock drop.

Q. That would injure the holders of the stock, would it not? A. Yes, sir.

Q. And notwithstanding that you were willing to support the bill, if your stock was out of the way, or you were sufficiently paid for it?

A. Yes, sir; thinking the bill ought to pass; I don't think the stock ought to be depressed by the passage of the bill, but I think it would be.

Q. You still refuse to answer the question? A. Yes, sir.

Q. Did you remain here until after the bill passed the Senate? A. Yes, sir.

Q. How long after—until it passed the house also? A. No, sir; I went back; as I took the boat up that night, I got a paper while on the boat, and saw that the bill had passed the house.

Q. Can you remember any senator you spoke to besides Senators Palmer and Williams, about the bill? A. No, sir; I do not.

Q. By Mr. NICHOLS: Do you swear that you did not speak to any other senator? A. I would not swear that I did not, but I don't think I did.

Q. How many times did you speak with Senator Palmer about the bill? A. I spoke to him several times, asking him what the prospect of the bill was.

Q. You learned that he was opposed to the bill the first time you talked to him, did you not? A. I don't think I did.

Q. You did very soon after? A. Oh, yes, sir.

Q. How many times did you speak to Senator Williams? A. I cannot tell; I think I spoke to him once or twice, but I will not be positive about it.

Q. When did you receive the money from Jay Gould—before or after you had received money from Thompson? A. After.

Q. Before or after the passage of the bill in the Senate? A. I think it was before.

Q. How long before? A. I cannot tell.

Q. Was it shortly before or soon after? A. Shortly before.

Q. This conversation at the Delavan, when Gould wanted you to refund part of the money—was that before or after the passage of the bill? A. That was after the passage of the bill.

Q. Some time after? A. I think it was two days after; it might have been three or four days; I am not positive.

Q. By Mr. HALE: You have already said that you found there was no use of talking to Senator Palmer, that he was opposed to the bill; what were you doing during three or four weeks that the bill was pending in the Senate to affect the vote? A. I was talking with men.

Q. Men inside or outside the Legislature? A. Both.

Q. Can you mention any body else that you talked with besides those you have named, anywhere in Albany, while the bill was pending before the Senate? A. I presume I talked with fifty.

Q. By Mr. FOLGER: Fifty senators? A. No, sir; you (Mr. Hale) didn't mention senators.

Q. No; I meant individuals generally; can you mention any other senator than you have mentioned? A. No; I cannot.

Q. By Mr. NICHOLS: What is your salary as harbor-master? A. I am not paid by a salary.

Q. What is it worth a year? It is worth from three to four hundred dollars a month, on an average say three hundred and fifty dollars, to guess at it.

Q. Do you know what day in the week the bill passed the Senate? A. I do not.

Q. What did you do after it passed the Senate; did you return to New York? A. Directly after, I did.

Q. After it passed the Senate, and before it passed the House, you returned to New York? A. Yes, sir.

Q. Now, you say it was after it passed the Senate, and before it passed the House that you had this conversation with Mr. Gould? A. Yes, sir.

Q. Where was that? A. At the Delavan House.

Q. How long were you at New York before you returned? A. I could not tell you.

Q. Do you remember what day in the week, the bill passed the House? A. I do not.

Q. Can you give the committee any idea of what interval of time there was between its passage in the Senate, and its passage in the House? A. I should say three days, to guess at.

Q. And yet you stayed here a day or two after it passed the Senate? A. Yes, sir.

Q. What induced you to come back from New York? A. The passage of the bill in the House.

Q. You came for the purpose of furthering its passage in the House? A. Yes, sir.

Q. And you learned it had been passed. A. After I got on board the boat.

Q. Do you remember what day of the week it was? A. I do not.

Q. It passed the Senate on Saturday, and the House on Monday. A. Then I should say that the conversation was after it passed the House—if that is the case.

Q. By Mr. FOLGER: Did you claim to Thompson or Gould, that you could affect anybody's vote? A. Yes, sir.

Q. Why did they employ you at such an extravagant rate that you dare not tell of it? A. I don't know.

Q. Had they ever known you before? A. They had known me for a year at their office.

Q. You made no pretensions to any particular influence, to them? A. No, sir.

Q. Had you ever been here before to further their bills? A. No, sir.

Q. It was your first appearance as a lobby-man? A. Yes, sir.

Q. And yet without any experience on your part, or any pretension to being able to effect any body's vote, they paid you such a sum that you are afraid to tell of it? A. I will not say that.

Q. Then why don't you tell of it? You say you made them no pretensions of power to affect any body's vote? A. You asked me if I made any pretensions.

Q. Whether you claimed to have any particular power to influence any body's vote? A. Yes, sir; and I said no.

Q. And you said that you had never been here as a lobby-man, before? A. I stated that I never had.

Q. And they paid you such a price, that you are ashamed to tell of it? A. I didn't say so; I gave you my reason.

Q. What was the reason? A. That it was my own private business; it had no connection with any bribery.

Q. You have told us what your salary as harbor master was; that certainly was your own private business? A. I answered that out of courtesy.

Q. And you decline to answer this question, out of courtesy? A. I decline to answer it, because I don't wish to tell.

Q. Will you tell me why you don't wish to tell? A. I don't think you have a right to ask me to tell.

Q. Will you say on your oath, that that is the only reason you do not answer? A. That is one reason.

Q. What is the other reason? A. That it is my own private matter, that this Investigating Committee have no right to inquire into it.

Q. Any other reason? A. No, sir; no other reason; not because there is any corruption connected with it, or any dishonest act about it.

Q. I have not said there was any corruption, but you merely decline to answer because it is your own private business? A. Yes, sir.

Q. By Mr. NICHOLS: Who gave you the most money, Thompson or Gould? A. I decline to answer that.

Q. For the same reason you gave Senator Folger? A. Yes, sir.

Q. Any other reason? A. No other.

Q. In what form was the money paid you, currency, checks, or drafts? A. Greenbacks.

Q. By Mr. FOLGER: How much more did they pay you than your salary as harbor-master? A. I refuse to answer that.

Q. Was it more than your salary as harbor-master? A. Yes, sir.

Q. How much more? A. I refuse to answer that.

Q. Was it more than your salary as harbor-master, and the stock they took off from your hands at 78? A. I refuse to answer that.

Q. You have just said that you would tell all you knew, and you have also just said that you were an honest man? A. I be.

Q. Why don't you answer that question? If you are sensible that you have not been guilty of any corruption, or any effort to corrupt, and are an honest man, and are willing to tell all you know, why don't you? A. I will swear to all that you have stated.

Q. Still you decline to tell? A. Yes, sir; from the fact that I know that there was no improper use made of that money, that it was for me individually, and that it was to go to nobody else; that was the understanding; that it was to pay for my individual services here, and not to pay to any senator, or any member of Assembly, a dollar of the money.

Q. Granted all that ; but why not tell the amount ? A. I don't see that any body is to be benefited by my telling.

Q. You expect when this testimony is published, and the fact is seen that you refuse to answer this question, people will believe you are an honest man ? A. I expect people to believe me an honest man who know me.

Q. But a great many will read this who don't know you ; some senators will read it who don't know you, and when your name comes up for re-appointment they may draw some inference from your refusal to answer ? A. Then I shall have to suffer.

Q. I think you will suffer from it, for it looks suspicious for you to answer every question but that ? A. If you could explain to me where this Committee would be benefited by my answering the question perhaps I would answer it.

Q. If you could explain why one brick would help to make a whole house, I would explain how the answer to this question would help the Committee to make up the whole report.

[No answer.]

Q. By Mr. HALE : I ask you, whether it is becoming in you, holding an office as you do, by the consent of Senate, to be guilty of a contempt of the Senate by refusing to answer a question put to you by one of its committees ? A. I do not think it is fair to put it in that shape.

Q. That is just the shape you have put it in ? A. I have no disrespect for this Committee or the Senate.

Q. That is just the shape you put yourself in, of contempt of the Senate, by refusing to answer the question.

[No answer.]

Mr. FOLGER : You have said enough already to show that the amount you received was a large sum, and that you are afraid to mention it lest some disparaging inference will be drawn.

Q. By Mr. NICHOLS : The sum was so large that every body will believe that it was not for your individual services. A. I don't know what to infer from that remark.

Q. You gave the use of your time, which was worth only from three to four hundred dollars a month ? A. Suppose I did ; I presume that senators will work here for a few dollars a day, when their business may be worth thousands of dollars to them.

Mr. FOLGER : That is just exactly the reverse of your case ; you come here to work for three or four weeks, and you say that you have got from those three or four weeks' service more than your whole year's compensation would be as harbor-master, and yet you expect that people will infer that the sum was received for honest services.

Q. By Mr. HALE: We have in proof your admission to another party of the amount you received here; if you choose to leave it there, and not testify yourself what it is, you can do so, and run the risk. A. You have what?

Q. We have proof of your admission as to the sum you received from Jay Gould and Thompson; if you prefer to leave it there instead of giving the precise fact, you can do so, and you can take the consequence of such an admission. A. If you have it in testimony, perhaps it may be Mr. Gould's or Mr. Thompson's, or both of them; I don't know which; if they choose to state it they may.

Q. We want you to answer this question. [No answer.]

Q. By Mr. NICHOLS: There is such a thing as a usury law; it sometimes happens that a man wants to pay money, and to cover it up in this way: He says, I want some money, and I will pay you seven per cent, but I will buy a horse and give you \$500 for that horse, when perhaps the horse is not worth a hundred dollars; such transactions are proved in court every day to show that the sale of a horse worth \$500 is the mere cover; you are a gentleman receiving so much for a year's services, and you come up and say that you received for your personal service in aiding in the passage of a bill during four weeks a sum of money larger than you received for a whole year's services; what is the inference which men would draw reasoning about these things? A. I swear positively that I had that money and that I still have it—that it never has passed out of my hands; I never agreed to pay any body a dollar, a Senator or any body outside; it was for my own benefit.

Q. How could you benefit them so much? A. I have answered that question.

Q. By Mr. FOLGER: You swear that in the purchase of that stock of you at 78, you made \$3,500, and your salary is at the rate of between \$300 and \$400 a month, and that they paid you besides the stock more than your year's salary would amount to, and yet you expect to cover yourself up by stating that the question is not fair. A. How do you figure it? The stock I bought at 78, and when I sold the stock—500 shares—was at 70 or 71; that is \$3,500 they paid me; how much do you figure I made on the stock?

Q. I figured that you made \$3,500. A. That they made good to me.

Q. Then they paid you in addition to that, more than your harbor-master's fee for a year, which is \$4,200, and that would make the aggregate amount, according to your own admission here, \$7,700; if you expect this community to believe that you were sent here three or four weeks, and you were paid for that time \$7,700, without the

idea that you had done something wrong, you are mistaken. A. How do you know but they overestimated my services?

Q. We understand that. A. I presume they did overestimate my services.

Q. I don't know but they did, but I don't think they overestimated your pretensions? A. Yes, they did.

[The Committee adjourned.]

TUESDAY, June 9, 1868.

The Committee again met.

Present Messrs. HALE and THAYER.

*Alexander Kirkpatrick*, being duly sworn, testified as follows:

Q. By Mr. HALE: You reside in Lansingburgh? A. Yes, sir.

Q. Are you editor of the *Gazette*? A. Yes, sir.

Q. Were you the writer of an article in that paper, which I now show you, entitled "Legislative Corruption?" A. No, sir.

Q. Who wrote it? A. I do not suppose it is necessary to answer that question, is it?

Q. I think it is. A. I will state, then, to the Committee, that the gentleman who wrote and furnished me the article was around the Assembly a good deal, and I supposed he knew it all, either of his own knowledge, or from believing it to be true; and I published it when there was a good deal at that time said publicly in the newspapers; if it could be, I should rather not state who the author of this piece was.

Q. By Mr. THAYER: As it is an editorial, they will hold you responsible for it? A. Yes, sir.

Q. I think you must answer. A. It was written by Mr. Frank Hubbell.

Q. What is his name? A. Frank B. Hubbell; he was clerk of the committee on ways and means.

Q. You are the publisher of this paper? A. Yes, sir.

Q. Have you yourself any knowledge in regard to the matters stated in the article? A. No, sir; I have no personal knowledge.

Q. Have you any information, except through Hubbell? A. Nothing more than the public report, and what I saw in the public prints at or about that time; I think it was prior to that, that I saw some articles in the *Tribune* and one in a Hudson paper.

Q. By Mr. THAYER: In a public newspaper? A. Yes, sir.

Q. Do you remember what Hudson paper? A. No, sir; I am not sure; but I think it was the Hudson *Eagle*; I would not positively say that it was.

Q. By Mr. THAYER: You are sure it was a Hudson paper? A. I think it was, to the best of my knowledge; I only picked it up in



the Troy *Times* office, when I happened to be in Troy, and while waiting there to see Mr. Francis, I picked up a paper, I think it was the Hudson *Eagle*—that is my impression—and saw the article; I did not pay any attention to the matter, any more than looking at the title of the paper after I had seen the article.

Q. Did Mr. Hubbell profess to have any knowledge on the subject? A. I asked him if he did not think the matter was pretty strongly stated, and he said no, from what he understood of the matter; and I asked him no further.

Q. Did he tell you from whom he got his information? A. No, sir.

Q. Did he say that he had heard the Senator mentioned in this article, make any statement about it? A. No, he did not.

Q. Do you know whether Mr. Hubbell is in Troy now? A. I do not; I have not seen him in a week.

Q. What is his business? A. He is clerk of the common council in Troy, and he is also an editor.

Q. Have you any knowledge or information other than public rumor, in regard to the subject of legislative corruption during the last session of the Legislature? A. No, sir; nothing more than what I have stated; I have heard men talk about it, and I presume they talked as other men did, without any personal knowledge of their own; I will state in addition, that Mr. Hubbell occasionally furnishes articles to our paper.

The Committee adjourned.

FRIDAY, June 12, 1868.

The Committee again met.

Present — Messrs. HALE and NICHOLS.

Mr. NICHOLS moved the Committee adjourn subject to the call of the Chairman.

Which was carried.

NEW YORK, December 15, 1868.

The Committee met pursuant to adjournment.

Present — Messrs. HALE and THAYER.

*Daniel Drew*, being duly sworn, testified as follows:

Q. By Mr. HALE: Were you, last winter, the treasurer of the Erie Railway company? A. Yes, sir.

Q. Up to what time did you continue to be treasurer of that company? A. Until the 9th or 10th of July last.

Q. Were you at Albany during the last session of the Legislature? A. No, sir.

Q. Can you state what amount of money, if any, was expended in Albany by the Erie Railway company in procuring legislation

last winter? A. I know nothing about it; I do not know whether there was a dollar; I have no knowledge of any thing.

Q. Was any money paid out of the Erie Railway company for that purpose? A. Not that I know of; Mr. Eldridge drew money from the company upon an order of the executive committee, but I think that was before the Legislature convened; I am not sure.

Q. Do you know for what purpose? A. No, sir; I don't know for what purpose.

Q. Do you know what amount? A. I think \$500,000.

Q. What was that amount of money drawn for? A. It was, as I understood it at the time — we were in all kinds of litigations, and it was to defray expenses.

Q. The expenses of litigation merely, did you understand? A. Yes, sir, I did at that time; he was president of the company, and so had charge of all these things.

Q. To what account was that charged on the books of the company? A. It was charged to him as president.

Q. Is there any thing on the books to show the purpose for which it was drawn? A. I think it was for the expenses of litigation.

Q. Was any account, while you were treasurer, rendered by Mr. Eldridge as to the disposition of that money? A. No, sir.

Q. Were there any credits to him to balance the charge of \$500,000? A. He drew \$500,000 by order of this Committee, and I think the Board sanctioned it.

Q. I asked whether there were any credits to him on account of the paying out of these funds? A. I don't know as there was; I don't think there was whilst I was there.

Q. By Mr. THAYER: Was that account ever balanced? A. I don't know; I think there was a settlement made of all these things, but most of it was done after I resigned.

Q. Did you hear any statement made by Mr. Eldridge as to how that money was disbursed? A. I think I have heard him say that considerable of it was spent in New Jersey; I don't know that I ever heard him say how it was spent any more than it was spent to pay legal expenses and to settle these various suits; I don't recollect of hearing him say — in fact this matter was all pretty much done between him and Mr. Gould, and I do not know — I have no knowledge of any thing, so far as I was concerned, how the money was spent, any thing more than for litigation and for settling up these suits.

Q. Have you heard Mr. Eldridge or Mr. Gould state, that any of this money was expended in Albany? A. I don't know that I ever did.

Q. Was it not understood by you as treasurer of the company and by the directors, that large amounts of money were expended in Albany by the company, for the purpose of obtaining legislation there? A. No, sir; I don't think I ever heard him say any thing of that kind.

Q. Was it not understood by you? A. When he proposed to draw this money I refused to pay it to him, when he got this order from the Board and Committee, and he drew the money.

Q. When was that draft? A. I think it was before the Legislature convened; we were into this litigation.

Q. You knew of the fact, that your company was at that time asking for legislation at Albany? A. I don't think that the company were asking or talking about it at that time.

Q. I mean subsequent to that? A. They talked about going to get legislation; there was something said about that.

Q. By Mr. THAYER: To legalize that issue of stock? A. This money was drawn before that.

Q. You are aware that a bill was introduced and passed by the Legislature in relation to the issue of stock? A. Yes, sir.

Q. Don't you know that large amounts of money were expended by the Erie Railway company, or by its directors or officers, to procure the passage of that bill? A. No, I do not; if they did any such thing it was all kept from me.

Q. You had no knowledge or information about it? A. No, sir.

Q. Do you recollect, in the course of the session, having an interview with Senator Mattoon, in Jersey City? A. I recollect of his coming there two or three times.

Q. Did you see him and converse with him? A. I think I did, once or twice.

Q. Was any thing said in the conversation, between him and you, in regard to the payment of any money, or offer of money, on either side, to procure the passage of a bill in the interest of the Erie Railway company? A. I think that Mattoon made use of this language to me at one time, that he, or no man could go there and live on what their pay was; I said to him, "I don't know; I have nothing to do with this matter at all, in any way or shape, and will not have;" he intimated as if he would take money if it was offered to him, or any thing like that.

Q. Have you stated all his language on that subject? A. I think that was about it; I don't think he ever said any thing more to me about it.

Q. Did he say anything to any body else, in your presence, that you recollect? A. I don't remember; I don't think he did.

Q. Do you recollect whether that was before or after the committee of which he was a member reported? A. I think it was before.

Q. Do you recollect who was present at that time besides yourself and Mr. Mattoon? A. No; I don't know that any body was; I don't remember.

Q. You don't know whether Mr. Fisk, or Mr. Gould, or Mr. Belden were there? A. I never saw Mr. Belden in Jersey City while I was there.

Q. By Mr. THAYER: He was a partner of Fisk's, I believe, but not connected with the Erie Railroad business? A. He was Mr. Fisk's partner.

Q. Did you hear any director or agent of your company speak of paying money, or making any deposit of securities or making any promise of money or any other thing of value to any Senator for the purpose of procuring the passage of this bill? A. No; I do not think I did; no, sir; this business was managed, I think, entirely by the president, Mr. Eldridge and Mr. Gould; I don't think that the directors, any of them, knew any thing of it; I am sure I did not.

Q. Was any money drawn out of the treasury after this \$500,000 draft, for the purpose of paying expenses at Albany? A. I don't think there was.

Q. Was any money drawn from the treasury after that, the purpose for drawing which was not stated, or did not appear upon the books of the company? A. No, sir; I don't think there was a dollar drawn after that, except there was money drawn every day for the purpose of running the road.

Q. What I mean is any money, though not expressly stated, for expenses at Albany, yet which might have been used for that purpose? A. I do not think there was.

Q. Up to the time that you ceased to be treasurer, in July last, that \$500,000 had not been accounted for upon the books of the company? A. No, sir; that must have been settled afterward; I know I asked the question about this thing, where the vouchers were, and what became of that money, but I could never get any information.

Q. Whom did you ask? A. I asked the president.

Q. Mr. Eldridge? A. Yes, sir.

Q. What statement did he make? A. He said he had paid a good deal of money for legal expenses; in other words, he did not say for what, any thing more than what it was drawn for, when it was drawn.

Q. He mentioned no expenses but legal expenses? A. No, sir.

Q. Did he state to you that he had paid \$500,000 for counsel fees? A. No, sir; he did not state that; he said he paid a good deal.

Q. Was no account rendered as to what had been actually paid to lawyers for counsel and for services? A. I don't remember that there was any vouchers ever put in; I often asked my assistant, Mr. Brown, whether Mr. Eldridge had rendered vouchers for this, but I don't think there was any vouchers ever rendered.

Q. Who was your assistant? A. Mr. Brown.

Q. What is his name? A. J. M. Brown.

Q. Where does he reside? A. He resides in New Jersey.

Q. Has he any place of business in this city? A. Yes, sir; he has a place of business; he is assistant now in the Erie railway.

Q. You say no vouchers; was any verbal statement ever made as to amounts paid to lawyers, to you or to the board? A. I think I heard Mr. Eldridge say once that he paid Dudley Field twenty or twenty-five thousand dollars; I think I heard Mr. Eldridge say, that once he went so far as to say that he had written a letter to discharge him; I think he told me that he would not have any thing more to do with him; that he had written a letter to him to go no further.

Q. Did he state the amount paid to any other lawyer? A. I don't think he did.

Q. Did you understand that amount was more than he paid to most of the lawyers? A. He was surprised at the amount; I know there was a large number of lawyers and he must have paid them.

Q. Can you name any other lawyers who were employed in the litigation at that time? A. Ex-Judge Porter was one and I think Burrell was another, besides young Dudley Field, as well as his father.

Q. By Mr. THAYER: Mr. Ganson? A. Yes, sir; he was in Buffalo; then there was ex-Judge Pierrepont.

Q. Do you remember whether at the time Mr. Mattoon called upon you he brought the report, or proposed report, that the State Committee was about to make? A. No; I do not remember any thing of that.

Q. You saw him but once at Jersey City? A. I think I saw him twice; I think he came to my house; I know he did at one time.

Q. To your house in New York? A. Yes, sir.

Q. When was that? A. That was before there was any committee report; it was in the early stage of this Committee.

Q. Was it before the first Committee was appointed; Senator Pierce's Committee? A. I think so.

Q. Have you any means of fixing the date of that? A. I don't know as I could.

Q. Was it after the commencement of the session of the Legislature? A. I think so.

Q. For what purpose did he call upon you then? A. I don't know any thing more than he talked up this matter; I know he named several Senators; two or three Senators; among the rest was Bradley, who is a neighbor to me; lives close by where I live; and he said that he was all right, all that kind of thing.

Q. What did he talk about? A. The substance of what he talked to me was this, as I took it, to see if he could not get money.

Q. I want what he said? A. What he said was that he could do that, and all this kind of thing.

Q. For the Erie Railway company? A. Yes, sir, for the Erie Railway company.

Q. Did he say any thing about money? A. I don't know that he did, any thing more than what I have said before.

Q. Did he make a similar statement when he called on you at your house? A. Yes, sir, I know what I said, as I said to others who called upon me, that I would have nothing to do with this matter.

Q. By Mr. THAYER: Had you any previous acquaintance with Mr. Mattoon? A. No, I don't think I had; I had a law suit with him, or the Steamboat company did, but I don't know that I saw him before.

Q. By Mr. THAYER: He did not call in reference to that? A. No, sir.

Q. Had he been in the habit of visiting you before? A. No, sir; not at all.

Q. What did he say? A. He said, "We cannot go there and live upon what we get," and all that kind of talk; the inference I drew was, that he would take money if it was offered to him.

Q. Do you remember whether it was before the bill was introduced in the House—the bill that was lost in the House? A. I think it was before that.

Q. I wish you could fix that date? A. I don't know how I could; it may have been after the bill was introduced.

Q. At any rate was the subject of legislation, in regard to the road, mentioned by him? A. Yes, sir; he also said he was friendly to the road, living where he did, the Erie road having a branch there; we went all over this ground.

Q. Had you any conversation of this kind with any other Senator than Mattoon? A. Yes, sir.

Q. With whom? A. A man by the name of —; he lives in Middletown.

Q. Senator Graham? A. Yes, sir; Senator Graham.

Q. What was the conversation with him? A. Mr. Graham came there to see me at Jersey City, and talked about this thing; he

said he was a great friend of the road, and his friends were all there ; that he had done a great deal for the road and for this bill, and all this thing ; Mr. Gould had gone to Albany when Graham came ; he said he had great influence and he could get money on the other side, and all that kind of talk, to go against it ; I told him he could do as he pleased ; then he called again and brought some other man with him ; I forget who that man was, but I think it was some bank man ; I don't remember his name ; he wanted me to write a letter to Gould.

Q. To what effect? A. I said this to him, "I have nothing to do with this business ; I will not have any thing to do with it ; Mr. Gould is up there to look after this thing, as I understand ;" he asked me would I not write a letter to Gould ; after a long time, I said, "I have no objection to writing a letter ;" then he came a third time, and wanted to know if he should not write the letter ; I said, "No, I will write the letter myself ;" well, I then did write a letter to Gould, and wrote him what sort of a man I thought Graham was, for I had known him some time, and that he was a pretty hard case, or some thing like that ; that was about the substance of my letter to Gould ; that was all that passed between me and Graham.

Q. Did you have any interview with any other Senators besides those two, Graham and Mattoon? A. No, I think not ; I don't think I had any interview with any others ; I do not remember that I did.

Q. Have you heard Mr. Gould or Mr. Eldridge state that they had paid or offered money to any Senator, to affect his vote? A. No, sir.

Q. Have you any knowledge or information, except as you have testified, in regard to the payment or offer of money to Senators during the last session of the Legislature, to influence their action or measures relating to railroad companies? A. No, sir.

Q. By Mr. THAYER: You have stated that Mr. Graham intimated or said to you that he could get large amounts from the other side by opposing this ; did he mention the amount he could get? A. I don't know that he did ; I don't think he did.

Q. That he could get for his vote or his favor? A. He said, "I can get a large amount of money, I have no doubt, but I cannot do that consistently ; I am here for the Erie Railway company, my friends are Erie railway men ;" and all that kind of talk.

Q. He lives on the line of the Erie railway? A. Yes, sir.

Q. By Mr. HALE: Did he state that any body on the other side had offered him money? A. I don't think that he did.

Q. Who were the Executive Committee at the time this \$500,000 was drawn? A. Myself, Bancroft Davis, Mr. Thompson—I forget [Senate, No. 52.]

his Christian name—Jay Gould; Gen. Diven was virtually one of that committee, he was vice-president, and it seems to me there was some other; there were five on it, and Gen. Diven.

Q. Eldridge, of course, being president, was on it? A. Yes, sir.

Q. Was this \$500,000 paid by a treasurer's check? A. Yes, sir; it was sent to Boston; that I know.

Q. Mr. Eldridge's residence. A. Yes, sir.

Q. In the shape of a check? A. Yes, sir.

Q. And the disbursement of that \$500,000 you know nothing about. A. No, sir.

Q. It was wholly under Mr. Eldridge's control? A. Yes, sir; I know I refused to pay it, and said I would not pay it; the object, as I understood at the time, was that we were getting into all this kind of litigation, and we did not know—I suppose the object was that we did not know, but that our money might be locked up.

Q. You wanted to have something to fight with? A. That was about the substance of it.

Q. You wanted to have the materials of war? A. Yes, sir.

Q. By Mr. HALE: Do you mean to be understood that Senator Graham stated to you, at any time, in any way, that he expected money from you or your road? A. I don't know; I don't think he expected any thing from me.

Q. From the road? A. He intimated, as I said before, what he could do, and all this kind of thing; and the inference I drew was that he wanted a promise to have some money paid him; then, when he found he could get nothing out of me, he wanted me to write this letter.

Q. Is the inference drawn merely from the fact that he stated he could do a good deal for you in that matter, and get a good deal of money from the other side if he chose to support the other side? A. Yes, sir; I think that was the way; I knew all about this Graham years ago; I was on my guard with him, every way; I said I would not have any thing to do with this matter.

Q. Had you any other ground for drawing the inference that you did draw than what you state he said in regard to what the other side would do, and what he could do for you? A. I don't know that I had.

Q. I will ask the same question in regard to Senator Mattoon: Have you any grounds for supposing that he wanted money, other than his statement in regard to expenses of Senators at Albany, beyond what you have already stated? A. I don't know that I have.

Q. Neither of them, as I understand you, said directly that they wanted to accept, or would receive, money for their action on the bill? A. No, sir.



Q. Where does Mr. Eldridge reside? A. In Boston.

Q. He has no place of business here? A. He has never been here since they made that settlement that you hear about in the papers; this was all done after I retired; he went to Boston, and has never been here since.

The Committee took a recess until 4 o'clock.

#### AFTERNOON SESSION.

The Committee again met, but no witness being present in response to the subpoenas served, the Committee adjourned until Wednesday, December 16th, at 10 o'clock A. M.

*December 16, 1868.*

The Committee again met pursuant to adjournment. Present—Messrs. Hale and Thayer.

*John H. Mattoon*, being duly sworn, testified as follows:

Q. By Mr. HALE: You are a son of Senator Mattoon? A. Yes, sir.

Q. And you were clerk of a committee of the Senate last winter? A. Yes, sir; the committee on the internal affairs of towns and counties.

Q. Did you, during the last winter, receive any money or other valuable thing from any party engaged in advocating, or opposing, what was known as the Erie bill? A. No, sir; I did not receive any money directly or indirectly, except that I got my pay as clerk of the special committee.

Q. Were you clerk of the special committee? A. Yes, sir; I was clerk of the special committee.

Q. The special committee of which Senator Pierce was chairman? A. Yes, sir; Mr. Kemper afterward appointed me as assistant sergeant-at-arms in order to enable me to serve subpoenas.

Q. You received no money or promise of money, or other valuable thing, except your pay as clerk, and as assistant sergeant-at-arms? A. That is all.

Q. Have you any knowledge or information in regard to the payment, or offer or promise of money to any Senator to influence his action in relation to this bill? A. No, sir.

Q. Have you seen the charge made in some of the newspapers that you received some money for some action, or vote of your father, in relation to this bill? A. I think I saw something in the *Tribune*—I don't recollect which paper it was really.

Q. Is there any foundation for that charge, as far as you are concerned? A. Not that I am aware of.

Q. Did you accompany your father to Jersey City, last winter, to visit the Erie railway directors? A. No, sir; he accompanied me.

Q. For what purpose did you go? A. I went for fun more than any thing else; I went to see who was there; in the first place, I had the subpoenaes to serve.

Q. You had them with you at that time? A. Yes, sir; I had been around the Erie buildings for three or four days, in order to serve these subpoenaes on certain parties, and afterward Mr. Rapello; he is the man who furnished me with the subpoenaes, or had them made out; I spoke to him about going over there; he said it would not do any particular good to serve subpoenaes there, although I might serve them; but he did not think they would be obliged to come back to New York to appear for examination; that is the way I came to go to Jersey City.

Q. Did you go there more than once? A. No, sir.

Q. Were you present during the interview between your father and any of the directors of the Erie Railway company on that occasion? A. No, sir.

Q. You heard no conversation between them? A. No, sir.

Q. Have you heard any thing said during that trip in the presence of your father, or in the presence of the directors of the company in relation to any use of money? A. No, sir; I did not see any directors at all, or any one I knew at that time there, at all.

Q. Have you any knowledge or information in regard to the matters referred to in this resolution? A. [After reading the resolution] No, sir.

*Abner C. Mattoon*, being recalled, testified as follows:

In my testimony previously given I declined to state who went with me to New Jersey; I now state that it was my son; I would also like to correct an error I made in my previous testimony, in reference to the difference in the price of freights, which I stated we gained by the Erie road running their cars to Oswego; I am satisfied from further investigation and inquiry that I was wrong; I think I stated that the difference would be twenty to thirty cents per barrel; I now wish to say that the difference is not so much as that; it is in the neighborhood of ten cents a barrel.

Q. By Mr. THAYER: The advantage of having competition would be some ten cents a barrel? A. Yes, sir; I stated before that it was in the neighborhood of twenty cents.

Q. That was one of the grounds upon which you supported the Erie bill? A. Yes, sir; why I was upon that side.

*George Bliss, Jr.*, being duly sworn, testified as follows:

Q. By Mr. HALE: You are a counsellor-at-law, residing in the city of New York? A. Yes, sir.

Q. Were you at Albany during the last session of the Legislature?  
A. I was there during some forty days of it.

Q. In what capacity? A. I was there most of the time opposing a proposed amendment of the Excise law.

Q. On behalf of whom? A. Of the Board of Excise; that is, I was on behalf of them; I am their attorney; I was not sent there by them, but they knew I was there, and knew what I was doing.

Q. Were you employed to oppose what is known as the Erie bill?  
A. Yes, sir; to a certain extent I was; before any decision had been come to on the Excise law I was applied to, I believe, on both sides, to be retained one way or the other; I declined it until after what I supposed was the final vote on the Excise law; because I did not consider myself at liberty to be retained on any thing but that; I did take a retainer as against the bill from Mr. Dutcher.

Q. John B. Dutcher? A. Yes, sir.

Q. Please state fully, whether you have any knowledge or information on the subject-matter of this resolution? A. I have no knowledge upon the subject-matter; the only information I have, is by reports circulated about, which I believe to be true, but nothing in the way of evidence.

Q. Have you any information from any party professing to have knowledge on the subject; I mean from any party who has directly or indirectly paid, or offered to pay, or any member of the Senate, who has professed either to have been offered or paid, directly or indirectly any sum, either to oppose or support this bill? A. There was one member of the Senate; I cannot at this moment say, whether it was mentioned by him or by some one else, that he had been offered money to support the bill; I would not say that he said so, though that is my impression.

Q. Received or refused it? A. Refused it, decidedly; it was mentioned, and whoever mentioned it, said it was a "damned outrage."

Q. Who was that Senator? A. I don't know as there is any objection to answering it, but if he did say it to me, perhaps I ought not to mention it; but if the Committee insist upon it, I will do so.

Q. By Mr. THAYER: That is within the scope of the resolution.  
A. He was Senator Banks.

Q. You are not certain whether the information came from him or some one else? A. No, I am not; my impression was when I first got your subpoena, I was thinking of it, that it came from him; I have had no conversation with any body else since, but I would not undertake to swear now that it came from him.

Q. Was he offered the money to support or oppose the bill? A. It was to oppose the bill; the offer was to do what he didn't do.

Q. Do you think of any thing more? A. I assume that any thing that passed between me and Mr. Dutcher, as counsel and client, I ought not to speak of; I will say, that when I was retained by Mr. Dutcher, I was retained for two specific purposes, one was to look thoroughly into the history of the Erie railway, as it was to be found in the State Engineer's office, and the other State offices, which no one apparently on either side had looked up; and the other was to prepare amendments and be on hand when the matter came up, for the purpose of drawing amendments to meet the changing phases in the contest.

Q. I ask you whether you have any knowledge or information derived from persons professing to have knowledge as to any money or property, or securities deposited or set apart for the purposes indicated in the resolution? A. Nothing outside of something which might have passed between me and Mr. Dutcher, and that I shall decline to answer.

Q. In your relation as client and counsel? A. Do not understand me as saying there has any thing passed even on that subject; you say, professing to have knowledge, that is a difficult question.

Q. I ask you whether you have any knowledge or information derived from parties making such appropriation or deposit? A. No, sir.

Q. You have no knowledge or information at all on the subject? A. No knowledge outside of something which possibly I may have derived from Mr. Dutcher; I have heard a great many stories; I have heard people state this: that a certain man had stated to them that he got so much money — an outsider, not a Senator.

Q. Who did you understand made the offer to Mr. Banks? A. I don't think I heard who made the offer; if I did I have entirely forgotten.

Q. Was any amount spoken of? A. Yes, sir; \$10,000.

*John I. Nicks*, being duly sworn, testified as follows:

Q. By Mr. HALE: You are a Senator of the State of New York, from the twenty-seventh district? A. Yes, sir.

Q. Have you any knowledge or information in regard to funds placed in the hands of Luther Caldwell by the friends or opponents of what is called the Erie Railway bill, and if so state what information you have on the subject? A. For what purpose?

Q. With reference to legislation, either to promote or oppose legislation on the subject. A. I had a conversation with Luther Caldwell; it was perhaps rather of a confidential character, in regard to the matter of a particular rumor I had heard that I was interested in; I can give that conversation if the committee think it best.

Q. By Mr. THAYER: I think, in justice to some other parties, it should be stated. A. And perhaps in justice to myself, also, I should state it; I have no objection to doing so; it will be remembered that Mr. Caldwell, during this controversy in the Legislature, left Albany very suddenly and was not seen; I think that Mr. Cole talked with me in regard to the matter and stated that I had been compromised, or that money had been paid or received for my vote on that question; I felt a little nervous about it, and the first time I saw Mr. Caldwell I said to him that I had heard these rumors, and while I did not believe that there was any truth in them, yet I felt it was due to me that if there had been any thing done, by him or any other person, in which I was interested, that he should give me the information; he said to me that he had never, and he never knew of any other person either directly or indirectly receiving or asking for any money, either for my vote or in connection with this matter; I then said to him, "Why was it that you went away so suddenly from Albany?" he then said to me that the party known as the Vanderbilt party, or the opposition to the bill, had made a proposition to him to have him leave Albany, and that he had informed Mr. Gould of the proposition they had made to him, and that he told Mr. Gould that he was going away; I said, "What was that proposition?" he said they proposed to give him \$70,000 if he would leave Albany.

Q. By Mr. THAYER: That was the Vanderbilt party? A. Yes, sir, the Vanderbilt party; he said they did so, and he went away; I told him that I thought they must have valued his services very highly.

Q. Did he say that he had received any thing from the other party? A. I think I asked him what he received from the—I made this remark: "You made a pretty big thing; you must have received something for your labors on the Erie side of the question;" his answer was that he had received—he did not specify the amount—he had received a very liberal compensation for his services; I never knew from him what the amount was that he received from the Erie side.

Q. Did he state whether any of this money received from either side was for the purpose of paying to the members of the Legislature? A. If he did not state it, my impression was, that it was entirely for his own benefit; he never gave me any information that he received a dollar for any purposes aside from his own from any party.

Q. Did he state by whom this sum was handed to him? A. No, sir.

Q. By Mr. THAYER: Was it paid to him in money, did he say? A. He told me that they proposed to give him Central railroad stock and he refused to take it.

Q. He demanded the money? A. Yes, sir; he wanted something that there would be no questions about, and they raised the money and gave it to him in all kinds of bills.

Q. In currency? A. Yes, sir.

Q. He refused to take the stock of the Central R. R. Co.? A. Yes, sir; I so understood it.

Q. He did not say by whom that was paid to him, but, referring to the Vanderbilt party, said "they"? A. Yes, sir; the Vanderbilt party; I am not sure, but somewhere in that connection the name of Dutcher was mentioned.

Q. By Mr. HALE: John B. Dutcher? A. Yes, sir; and that he saw him coming up on a train with him; that is my recollection now; I know the name was mentioned somewhere in connection.

Q. Where was the conversation held? A. It was held either in my room or in his room in Stanwix Hall; I have forgotten which.

Q. Before or after the passage of this bill? A. My impression is, it was after the passage of the bill.

Q. Your conversation with him? A. Yes, sir.

Q. Did Mr. Caldwell leave Albany and remain away until after the passage of the bill? A. I am not positive in regard to that; but my impression is, he was not there until after the passage of the bill.

Q. On the payment of this \$70,000 by the Central Railroad party, or Vanderbilt party, he did not after that advocate the passage of the Erie bill? A. My impression is, he was not there; that was the condition upon which he left.

Q. That he carried out the bargain with them, and left Albany? A. I so understood it.

Q. He carried it out in good faith, as between himself and the Vanderbilt party? A. I so understand.

Q. He did not state the amount he had received from the Erie party? A. No; he said he had received a liberal amount for his services; he did not say how much.

Q. Was he first paid by the Erie party? A. He did not state; but my impression is, that he was, because he was on that side.

Q. You know, that he was in the interest of, and advocating the Erie bill. A. Yes, sir; all at once he left Albany, and on his returning, he had this conversation with me.

Q. By Mr. HALE: Have you any knowledge or information as to any money being paid or offered to be paid to any senator, or any proposition or promise of payment of any money or any other valuable thing, being made to any senator to influence his vote or action in the Senate, in relation to either of these bills? A. I have no

knowledge, except general rumor and talk; there has been a great deal of talk about that; but I have no knowledge.

Q. Have you heard any Senator state that any sum had been offered or promised to him to affect his action? A. I am not entirely clear, but my impression is, that a Senator did say to me that—[after hesitation]—I cannot say that there was any thing; there was a conversation I had with a Senator from which I might have got that idea that some proposition had been made to him, but it is not distinct enough for me to say that I ever heard any one say there had been a proposition made to him; we all know there was a great deal of talk in regard to this matter; I suppose we all were satisfied that there was money used, but I have no knowledge.

Q. By Mr. THAYER: Have not Senators stated to you that this or that amount, or that party had offered him any money, or made any overtures; if you could testify to that, we should like to have you? A. I cannot say that I ever did.

Q. You may have had conversations with Senators from which you might have, perhaps, half inferred, or become pretty well satisfied, that offers had been made to them; that would amount to nothing? A. That is just my position exactly; and it was in conversation on the subject with a Senator from which I got that impression.

Q. By Mr. HALE: He did not so state to you, but you got the impression? A. That is all.

Q. If you can recollect the language he used, and would state it, it might, perhaps, serve us? A. I cannot remember the language, or any thing that he said; I remember that it was rather an impression that it made upon my mind that there was some proposition or inducement held out to him, and yet I cannot base it upon information I received from him; it certainly made that impression on my mind.

Q. I ask whether you have heard any party or person state that he knew of money being paid or offered to any Senator to influence his action? A. We all of us have talked this subject so much among ourselves, with those who are outside —

Q. If you have heard any body who was acting on behalf of either party in this fight, say that there was money paid, or offered to be paid, to any Senator, that would be within the scope of the resolution under which the Committee is acting. A. I don't think I have positively heard any body; I have heard this remark, that such a person had received thus and so, but nothing that I can recollect now where parties said that they knew, or had paid, or knew of their having received.

Q. All the statements you have heard were merely rumors or reports? A. They were rumors, and I didn't pay much attention to them except in the matter where I myself was involved; I may have heard a great deal talked that has somewhat passed from my mind; it was a subject of general conversation, and there was a feeling of indisposition on the part of some, and with me, certainly.

Q. That led you to make these inquiries of Caldwell, because you had heard of your name in connection with the use of money? A. Yes, sir; parties came to me and asked, "Where is Caldwell?" I knew nothing where he had gone; I think Mr. Cole was the one who remarked to me, if I mistake not, that he had heard that Caldwell had received or tried to procure money for my vote; it made me rather sensitive on that point, and I then went to him; and when he came to New York, I came down to see the Erie folks and see if they knew any thing; I never have been able to ascertain that he or any body else received any money for my vote on that question.

Q. By Mr. THAYER: Caldwell resides in your place and is a neighbor of yours? A. Yes, sir.

Q. Has he had any conversation with you in regard to attendance upon this meeting of the Committee lately? A. On Monday morning I saw him; he came in, saw me, and asked me if I was going to go down on Monday evening, and I told him I was; he said, "I will go with you;" "Very well," I said; he came in again in the afternoon and said, "I cannot go down with you to-night, but I have written a letter to the Committee, and you can say to them, if you are a-mind to, that next week I will be ready to meet them; I have written a letter that will explain," or something of that kind; that is all the conversation I had with him in regard to it.

*Abner C. Mattoon*, being recalled, testified as follows:

Q. By Mr. HALE: Has the stenographer read to you the testimony given by Daniel Drew yesterday? A. Yes, sir; as far as relates to myself; perhaps I had better take up my whole connection with Mr. Drew; I can tell the story in my own way, so that you can understand what was done.

Q. Go on. A. Well, after the Select Committee was appointed, on the 8th or 9th day of March last, I was in front of Van Schaaick's in Broad street; let me preface by this statement; I was acquainted with Mr. Drew, and he was acquainted with me; I met him several times at his office in regard to the litigation I had with him, and which continued for several years; the suit went to the Court of Appeals; on that day he met me in Broad street, in front of Van Schaaick's office, and spoke to me; he spoke to me first; he said first, "Mr. Mattoon, I see by the report, that you are one of the



Select Committee appointed by the Senate, to inquire into the affairs of the Erie railway;" I answered him by saying that I was; "Well," said he, "Mr. Vanderbilt is trying to ruin us and to ruin our road; we are in a great deal of trouble; I don't know how it will end; he is trying to handle our stocks and ruin us;" he said, "Of course you are friendly to our road because we run a branch to your place, and we shall look upon you as a friend;" I said it would be for the interest of Oswego to sustain the Erie road and her business; we look upon it as a great benefit to run that road to Oswego; I am trying to give *verbatim* the conversation that occurred; at that moment some one spoke to him, who I don't know; he said to me, "Will you wait a moment?" I said, "I am in a hurry, our Committee is going to meet this morning;" I waited until he got through with the gentleman, and then he said to me, "Mr. Mattoon, I wish you would call at my house on the corner of Seventeenth street and Broadway, after dinner, I would like talk to you;" I said, "Very good, I will call up there;" I did call; the conversation that took place there was in regard to the views of the Committee; his first question was, "How do you think the Committee stand in regard to our interest?" I said to him that I thought Mr. Pierce and Mr. Bradley were against them, that it looked to me so — no, he named Bradley; he said, "Do you know how Bradley stands; he is in my district?" I said, "I think Mr. Bradley is against you; I don't know whether he is for or against you, but my impression is he is against you, and will not be disposed to favor you in any report;" he said, "I wish something could be done to induce Mr. Bradley to favor us, Mr. Mattoon will you see Mr. Bradley?" I said, I saw him very often, and I shall see him in the Committee and I will talk with him;" I did talk with Mr. Bradley, and Mr. Bradley did express himself to me that the issue of certain stocks had been a great outrage and he should not favor any such transaction; that it was all for stock gambling, and he should not favor it; that was his language; I did call again at Mr. Drew's to report to Mr. Drew, in substance what Mr. Bradley had said; no conversation took place then between Mr. Drew and myself in regard to money, or the paying of any man money, or paying myself any money, or receiving any money or any consideration in any way, shape or manner, directly or indirectly; I went to Mr. Drew's house at another time with my son who had subpoenas for Mr. Drew, thinking that I might perhaps get admittance to his house whereby my son could subpoena him; I did not succeed in getting in his house; the old gentleman sat at his window; I saw him at the window plainly; we waited there, about that locality for an hour, and made two or three efforts to get into his

house; my son tried to subpoena him; those were the only times I saw Mr. Drew in New York; the next time when I saw him was in Jersey City; I said to Mr. Drew, "You are living like lords over here;" they had a suite of parlors, and seemed to be living sumptuously; I continued, "we fellows that work for three dollars a day cannot afford to live in this style;" that was all that was ever said about three dollars a day between Mr. Drew and myself; I said, "We men that go there to Albany during the winter cannot afford to live so, it costs a good deal more money to live than we get;" that is near word for word as the conversation occurred, and that is the only conversation I ever had with Mr. Drew in regard to Erie finances.

Q. You were comparing it with the way you were living in Albany? A. Yes, sir; as to intimating I would receive any thing for myself or any other person on either occasion, I state positively that there was no such conversation ever took place.

Committee adjourned to meet at 10 o'clock on Thursday, Dec. 17.

THURSDAY, *December 17, 1868.*

Committee again met pursuant to adjournment.

Present—Messrs HALE and THAYER.

*Alexander S. Diven*, being duly sworn, testified as follows:

Q. By Mr. HALE: You are vice-president of the Erie Railway company? A. Yes, sir.

Q. And were so last winter. A. Yes, sir.

Q. You recollect hearing of the appointment of the special committee of the Senate, to investigate the affairs of the Erie Railway company, last winter? A. Yes, sir.

Q. Were you visited by any Senator soon after the appointment of that committee, and if so, by whom? A. Soon after the appointment of that committee, Senator Mattoon came to the office of the Erie Railway company, with a letter of introduction to the auditor of the company, Mr. Hilton, and Mr. Hilton came to me with the letter, and introduced Mr. Mattoon to me.

Q. What time was this? A. It was the same day, or the day before, it seems to me that the committee had their first meeting here; it was a very short time before the committee had their first meeting here.

Q. State what occurred between yourself and Senator Mattoon? A. I introduced the Senator to ~~such~~ of the officers of the company as were in the office, such of the directors as were in the office, and Mr. Mattoon stated to us how he came to be connected with the committee; he stated what he regarded as the object and purpose of

moving for the committee, and what his motive was for moving for the increase of the committee, and to procure himself to be placed upon it.

Q. State what he said? A. He stated that the object of moving for the committee was mercenary; I cannot say that I use his words, but that was his idea—and that he intended that no such use should be made of the examination, and that he had procured his son to be made sergeant-at-arms.

Q. Assistant sergeant-at-arms? A. Assistant sergeant-at-arms of the Committee, and that he was to serve without cost to the State, and that he did not mean that the examination should cost the State any thing, and that he meant to see that there was fair play; there was a great deal of talk of that kind which I cannot detail, but that is the purport of it.

Q. Did he make any statement as to what his action on the Committee would be? A. No; I don't think that he did; I don't remember that he did.

Q. That was all that took place? A. Yes, sir.

Q. You introduced him to other directors? A. Yes, sir.

Q. To whom? A. I should say I introduced him to Mr. Davis, to Mr. Thompson, to Mr. Gould—but whether to the president, Mr. Eldridge, or not, I do not know, but I should think I did, and to Mr. Drew; the reason why I think I introduced him to these men was that they were generally at the office, and I introduced him to all of them who were there.

Q. Was that in this city or in Jersey City? A. In this city; it was before the parties went over to Jersey City.

Q. Did you know of his going to Jersey City? A. I think I did; I was once over at Jersey City while the parties were there, and I thought I saw Mr. Mattoon through a door as I was passing through where some of the parties were.

Q. How long was that after this first interview? A. That was a good while after, I should think it was after there had been a vote and the report made, but I am not sure.

Q. Did you ever know Senator Mattoon taking a proposed report, unsigned, to Jersey City to the officers of the road? A. No.

Q. At this interview, or any interview with Senator Mattoon, was any thing said in relation to the payment of money, or promise of money, or any thing of value for this vote or influence? A. No.

Q. Did you visit Albany during the session of the Legislature? A. Yes, sir; I was there two days, I think; I was there on subpoena before that Select Committee.

Q. You were subpoenaed as a witness? A. Yes, sir.

Q. Did you have interviews with any members of that Committee there, except as you were before them when together? A. I must have had conversations with Chapman, I think, but I cannot be sure about it; I don't recollect the purport of any conversation.

Q. Any with Mattoon? A. I cannot recollect any conversation.

Q. Have you any knowledge as to any payment, or promise made by your company, or any person on its behalf to any Senator, to influence or reward his action or vote in relation to any measures of legislation affecting the Erie Railway company? A. No; I have not.

Q. Do you know of any account being rendered by any officer or agent of the company for money, purporting to be paid to any Senator during the last session? A. No; I have no personal knowledge of such.

Q. You have never seen any? A. No.

Q. Do you know Luther Caldwell of Elmira? A. Yes, sir.

Q. Do you know of any money being placed in his hands by the Erie Railway company to promote its interests? A. I have no personal knowledge.

Q. Have you any knowledge derived from statements made by Caldwell? A. No.

Q. Have you any information on that subject derived from any officer or agent of the company? A. I have from one of the directors of the company.

Q. What was the purport of that information? A. It was that Caldwell had received a large sum of money, something like \$100,000, just before—a day or so before—the vote was taken in the Senate, and that he had kept it and left the city.

Q. From what director was that information derived? A. Mr. Thompson.

Q. Mr. Henry Thompson? A. Yes, sir.

Q. Have you any information derived from any officer or agent of the company as to the payment or promise of money to any senator in relation to this matter? A. No; I don't think I have.

Q. Or from any person professing to have made such payment or promise to any senator? A. No; I do not think I have.

Q. Have you any knowledge or information derived from any person professing to have actual knowledge, as to any payment or promise made to any senator to influence his action, as senator, in relation to legislation affecting the railroad company? A. No.

Q. Or as to any propositions of the kind made to any senator? A. No.

Ordered by the Committee, that when the Committee adjourns, it adjourn to meet at the office of Hand, Hale & Schwartz, on the 22d

day of December, at eleven o'clock A. M., and that the clerk be directed to inform Luther Caldwell, that while the Committee do not recognize the validity of his excuse for non-attendance at the present session, the Committee thinking that the process of the Senate at least of equal force with that of the Chemung County Court, they will be willing to hear him at that time with the same effect as if he had attended here.

Ordered also, that the clerk be directed to notify by letter Mr. E. M. Madden and R. F. Hicks, of the time and place of the next meeting of the Committee, and that the Committee will be ready to take their testimony at that time.

Ordered also, that the clerk be directed to send to Hon. Wm. M. Graham, by mail, a copy of the testimony of Daniel Drew, so far as it relates to him, and also a notice of the time and place of the next meeting of the Committee, and that they would be glad to have Senator Graham attend, if he desires to make any explanation in reference to such testimony.

Ordered also, that the clerk be directed to notify John S. Eldridge, of Boston, by letter, of the time and place of the next meeting of the Committee, and to inform him, that the Committee would be glad to have him attend upon the occasion for the purpose of giving testimony.

The Committee adjourned.

ALBANY, *December 22, 1868.*

The committee again met, pursuant to adjournment.

Present — Messrs. HALE and THAYER.

*F. B. Hubbell*, being duly sworn, testified as follows :

Q. By Mr. HALE : Where do you reside ? A. I reside in Troy.

Q. Were you connected with the Legislature last winter ? A. I was clerk of the Committee of Ways and Means.

Q. Were you the writer of this article [producing an extract from the *Lansingburgh Gazette* of April 30, 1868, and entitled "Legislative Corruption"] ? A. I wrote that, or something very like it.

Q. Have you any knowledge of the statement here of money paid to a member of the State Senate ? A. I have no knowledge whatever.

Q. From what information did you make this statement ? A. The statement was made in general conversation ; it was in the capitol and in the street, both here and at Troy ; but the immediate knowledge on which I wrote this paragraph was this : I met a man who said he had just been reading an Albany letter in the *New York Tribune* in which these facts were stated, and asked me if I had seen

the letter, and I said I had not ; he went on and related to me what the letter stated ; at that time I was contributing to this Lansingburgh *Gazette*, and as it was about the day of publication, I wrote the paragraph ; it was from mere general rumor and street talk.

Q. You did not read the article referred to ? A. I did not read the article in the *Tribune*.

Q. You made the statement, as I understand you, from representations made to you by a third person of the contents of a letter in a newspaper. A. Yes, sir ; that was it ; but there were rumors very similar to this current in the street at the time ; I had heard of them both at the capitol and elsewhere.

Q. Had you heard any thing said by either of the parties mentioned in it, Jay Gould and Senator Mattoon ? A. No, sir ; I never saw either of the gentlemen, to my knowledge.

Q. Had you any information on this subject from any person professing to have knowledge ? A. I had not.

Q. Or from any person interested in as agent or party to this controversy, which you alluded to have ? A. No, sir ; I had no conversation and no information from any body who was concerned in the transaction, whatever ; as I stated before, my information and my impressions were derived wholly from general rumor.

Q. Have you any knowledge or information in regard to the subject matter of the resolution ; that is, whether any party or parties interested in supporting or opposing any measure relative to railway companies, have either by person or by agent, directly or indirectly, paid or offered to pay any member or members of the Senate during the present session, any money or other valuable thing to influence his or her vote or action in senate or committee ? A. I have not.

The paragraph from the Lansingburgh *Gazette* was put in evidence, of which the following is a copy :

“LEGISLATIVE CORRUPTION.”—Corruption at Albany is becoming rather a trite subject. Little that is new can be said of it, and nothing whatever will astonish the public. But a transaction which came to light last week, has the merit of a little novelty. A lobby member, and a representative of a great railroad interest, actually paid a member of the State Senate \$20,000—\$19,000 for the member, and \$1,000 for his son—on condition that the member aforesaid would report favorably on a railroad bill. The Senator, with the money in his pocket, turned squarely around and made a different report, and exposed the whole transaction. He proposes to keep the money, and thinks he may honestly do so, since he exposed the fact that an offer was made to bribe him without success ! It was understood that the parties to this transaction were Mr. Jay Gould, on the first part, and

Senator Mattoon, on the second part. Mr. Mattoon represents the 21st senatorial district, composed of the counties of Oswego and Madison. Mr. Jay Gould has represented the Erie railroad and Daniel Drew at Albany this winter. There seems to be no dispute about the facts. The morality of the transaction, on either side, we leave our readers to ponder over at their leisure."

ALBANY, Monday, Jan. 4, 1869.

Present—Mr. HALE (chairman), and Mr. THAYER.

*Luther Caldwell*, sworn:

Q. Examined by Mr. HALE: You reside in Elmira? A. Yes, sir.

Q. Were you in Albany during a portion of the session of the last Legislature? A. I was; I was here attending the Constitutional Convention until March 1st.

Q. And after that for some time? A. After that, yes, sir, for some time; my daughter was sick, and I remained here several weeks after.

Q. Were you employed by either party in what was known as the Erie railway controversy last winter? A. Well, the term "employed," Mr. Hale, I don't know; I was interested; I felt interested in having the Erie bill passed; my paper, the *Daily Advertiser*, of Elmira, of which I am part proprietor, and was at that time editor, supported it, and I supported it.

Q. Did you advocate and aid in the passage of that bill at the request of the officers of the road? A. One of the officers of the road, yes, sir; he requested me to assist in the passage of the bill—Mr. Diven, the vice-president.

Q. Did you receive any money from the officers, or any officer, of the Erie railway, to use in securing the passage of the bill? A. That is, the money to be used in the securing of the passage of the bill?

Q. Yes. A. No, sir.

Q. Did you receive money from them for any purpose? A. Well, I would decline to answer that question, Mr. Chairman, until I could turn it over in my mind, and see whether I could answer it properly or not, consistently.

Q. How much time would you require for that? A. Well, for the present, I would decline to answer that question, claiming the privilege, I believe, that is awarded to witnesses.

Q. On what ground do you decline? A. I asked, in the first place, the privilege of looking it over in my mind; I might answer it after consideration, and might not; I would not like to do it now.

Q. I will waive it for the present; did you pay any money to, or for the use of, any senator during the session of the Legislature? A. No, sir.

Q. Or have you since the session? A. No, sir.

Q. Have you any knowledge of any senator's receiving money, or any valuable thing, or any promise of money, for his action or vote upon that bill? A. No, sir; I have not.

Q. Have you heard any senator state or intimate that he had been paid or promised or offered any money or valuable thing for his vote or action with reference to that bill? A. No, I never have.

Q. Have you known of any moneys being paid by any person interested in the bill, either for or against it, to any one, for the purpose of securing the vote of any senator? A. I would decline to answer that question now; I don't know but I can answer it if you will allow me time for reflection.

Q. Have you heard any person interested in the passage, or in opposing that Erie bill, say or intimate that they had paid money to any senator to influence his vote or action? A. No, sir.

Q. Did you during the last session receive money from any party interested in opposing what was known as the Erie bill? A. I would rather waive that question with the other two; I do not decline to answer it positively, but now I would like to pass it by; I have no desire to conceal any thing from the committee that is in my power and that is proper to communicate.

Q. How long before the passage of the Erie bill in the Senate did you leave Albany? A. Well, I left several times during the pendency of the bill.

Q. I mean the last time you left, prior to its final passage? A. The last time I left to attend a meeting of the Associated Press in New York; I don't recollect the day now, precisely, when I did leave; it was a few days, however, before the passage of the Erie bill.

Q. You did not return until after its passage through both houses? A. I don't remember now; my impression is that it had passed both houses before I returned.

Q. Had you knowledge of money being paid to any person other than yourself, for the purpose of either promoting or opposing that bill? I exclude yourself. A. I had not.

Q. Have you any information as to such payment to any person other than yourself, derived from either a party claiming to have paid it, or any party admitting having received it? A. I heard a great many rumors; I don't know any thing myself.

Q. The question is, whether you have any information derived either from any party claiming to have paid money, or any party saying he had received it? A. I don't recollect now that I have; I heard a great many rumors at that time, and a great deal of talk,



but I could not fix in my mind any parties that ever said to me that they had either paid money or received money.

Q. If you should answer in the affirmative the three questions which you have declined to answer, they will be followed up by inquiries as to the purpose for which the money was paid and received, and by questions as to what was done with the money; how soon will you be able to decide as to whether you will answer or decline to answer those questions? A. At the next meeting of the committee, to-morrow or to-night.

Q. I should rather say to-night, because to-morrow the Senate sits, and there may be some question as to our power to pursue the investigation. A. Then say in the morning, before the Senate meets.

Q. You have read the testimony of Senator Nicks and of Mr. Diven? A. Yes, sir.

MONDAY, *January 18, 1869.*

*Edward M. Madden* sworn :

Q. Examined by Mr. Senator HALE: You reside in Middletown, Orange county? A. Yes, sir.

Q. Were you in Albany during the session of the Legislature of 1868, in advocacy of what is called the "Erie bill?" A. I was during the month of April, I think; during the latter part of March perhaps; that I could tell exactly by a diary.

Q. Were you interested in that bill, or in advocating or promoting it? A. Our people at home living on the line of the Erie road were very desirous that the railroad should not fall under the hands of the Central influence, and desired me to come up here; I did so.

Q. And advocated the passage of that bill? A. I did.

Q. Have you any knowledge of the payment, or offer, or promise to any senator of money or any other valuable thing to influence his vote or action in regard to that bill? A. Do you mean personal knowledge or rumors?

Q. This question is as to "personal knowledge?" A. I have not.

Q. Have you any information from persons professing to have actual knowledge of such offer, promise or payment? A. I only know by rumors floating about the streets here.

Q. Have you heard any person say that he paid, or offered, or promised to any senator, or any senator say that any money or any other valuable thing had been promised or offered to him? A. No person has ever told me they did any thing of the kind.

Q. Neither any senator nor any other person? A. No, sir.

Q. Have you any knowledge as to moneys being paid to Luther Caldwell either by the friends or opponents of the Erie bill? A.

The only knowlege I have on that subject is, when I came up here Luther Caldwell was here; Mr. Gould informed me that they had engaged him to come up here, and he was here for some length of time, and went to New York; when he came back I inquired of Mr. Gould "if he had sent him to New York;" he told me he did not; I told him I "was afraid then that he was in a tight box;" he said "Why?" I says, "I understand he had an interview on the Harlem railroad with a gentleman, and I didn't know what it meant—that I was afraid of it;" he (Gould) asked me "if I would find Mr. Caldwell;" the train had been up here some time, and he had reached Albany and had not reported himself, and I went out and found him in Mr. Hicks' room.

Q. Russell F. Hicks? A. I do not know what his first name is; I know him well too; he is from Onondaga, formerly Livingston.

Q. They call him "Frank?" A. Yes, sir; he opened the door slightly and said he would see me in a few minutes; I says, "it is Mr. Caldwell," and he finally said that he was; I went back and reported to Mr. Gould, and he afterwards came in the room; he talked there awhile, and he (Luther Caldwell) finally stated that he had had a talk with Senator Dutcher on the Harlem train; he brought it in; I thought it was singular he spoke of it.

Q. Who said this? A. Luther Caldwell; he stated this to myself, and I think Mr. Gould.

Q. Was Mr. Gould with you at this time? A. I think Mr. Gould was present at the time; it was in Mr. Gould's room; Caldwell came to Gould's room.

Q. This conversation was in Mr. Gould's room? A. Yes, sir; probably three (3) hours after he had reached here from New York; I went to Mr. Gould's room; I don't know but I made this statement, "That I was afraid there were traitors in the camp;" Caldwell was telling about Mr. Gould's inquiring of him if he had seen Mr. Fisk or Drew, and he said he went over there and Fisk told him to wait for awhile, and he waited until he couldn't wait any longer, and he was going to take the Harlem train which left about twelve (12) o'clock to come up here, and, in the course of the conversation, he said he went in a smoking-car and he met ex-Senator Dutcher, and he had a talk with him; that I had heard before, and had told Mr. Gould that he had had a conversation with Mr. Dutcher, but I don't remember now who told me; some person had told me; Mr. Caldwell talked awhile and he went out, and, I think it was Mr. Gould who concluded it was not best to trust him any longer; the next day he left; with regard to what he did I do not know; of course I know rumors were talked about; I do not know any thing further; whether Mr. Gould

ever gave him any thing, or what amount, if any, for his services, or for any thing of the kind, I have no knowledge from Mr. Gould, and from no person except rumor.

Q. Not from Mr. Caldwell? A. No, sir; I have heard from others; Senator Nicks told me what Caldwell told him; in stating to Mr. Gould I "thought there were traitors in the camp," I meant, "Here, you are relying upon men who are not with you;" I referred to Caldwell and Hicks both.

Q. You had no information from Mr. Gould as to payments made by him to Caldwell? A. None, whatever.

Q. Had you from any director of the road? A. None.

Q. Have you any knowledge or information with regard to the subject-matter of this investigation; that is to say of the payment or offer, or promise of money or any thing valuable to senators for the purpose of procuring their action in relation to railways, other than what you have stated, not confined to the Erie road or Erie bill? A. No, sir.

Q. The investigation is in regard to all railroads; have you any knowledge or information on that subject? A. I have none; no personal knowledge; no information except rumors; I might state that Mr. Gould informed me that Mr. Caldwell asked him for money for a senator and member of Assembly, and Mr. Gould peremptorily declined giving it to him.

JANUARY 25, 1869.

Present—The CHAIRMAN and Messrs. THAYER and NICHOLS:

*Nathaniel P. Bemus* sworn by the CHAIRMAN:

Q. You reside in Chautauqua county? A. Yes, sir, Mayville, Chautauqua county.

Q. You were a member of Assembly last winter? A. Yes, sir.

Q. Were you engaged last winter in advocating what is known as the Erie Railway bill? A. I was in favor of it.

Q. Were you engaged in urging its passage? A. I was anxious for its passage, I voted for it.

Q. Did you converse with senators in relation to it? A. I did; the reason of my taking an interest in the passage of the bill was, that the interests of my constituents were closely allied with the successful operation of the road.

Q. Did you know of any money being paid or offered or promised to any senator to influence his vote in relation to that bill? A. I did not.

Q. Or any thing valuable? A. No, sir.

Q. Had you any information, derived from any senator or any officer or agent of the Erie Railway company, of money being used

or offered for any such purpose, or for the purpose of influencing in any way or aiding in the passage of the bill? A. I have no recollection of any such information.

Q. Do you know of money being paid after the passage of the bill to any member of the Legislature, to reward him for his vote or action in the Legislature on that subject? A. I do not.

Q. Have you any knowledge or information with reference to the subject-matter of the second resolution, under which this committee is acting? A. I have not.

Q. I understand you to say that you have no knowledge of any offer being made to any senator, or intimation being made that he could receive money or any thing of value for his action upon that bill? A. Yes, sir.

Q. Have you any information on that subject, derived from any person professing knowledge as to money being paid, promised, or offered for the purpose indicated? A. I have no information upon the subject, except general rumors.

Q. Have you any knowledge or information of money being paid to any third person for the benefit of any member of the Legislature to reward him for action on this bill? A. I have no knowledge and no information except general rumors.

Q. Have you any knowledge as to how much money or what money was disbursed by the friends of the Erie Railway bill, or by its opponents, in the Legislature of last winter? A. No, sir; I have no knowledge.

The committee adjourned.

FEBRUARY 4, 1869.

The committee met at Congress Hall.

Present — The CHAIRMAN, and Senators THAYER and NICHOLS.

GEORGE WAKEMAN, stenographer to the Senate, acted as the stenographer to the committee.

*Jay Gould*, recalled :

Q. By the CHAIRMAN : I wish to call your attention to a portion of the testimony given last spring, which was not completed ; you were asked if you could ascertain and inform us as to the total amount of money expended by the directors of the Erie railway at Albany, at the last session, to which you replied that you could get the information when you went down to New York ; you afterwards said that it would be pretty hard to discriminate, perhaps, as you had forty or fifty different lawyers employed, and did not know whether you could give it correctly, but you would do it as nearly as you could ; can you now give us that information? A. I supposed at that time, that on referring to our records, the whole thing would appear ; but

on referring to them, I found that there was no record in the office, and I wrote, or got our assistant treasurer to write to you, to the effect that the whole entry on our books was merely for counsels' fees—so much paid; I forget how much it was.

Q. You are unable now to state the amount? A. Yes, sir; the whole thing passed out of my mind, I had so many other matters of importance to attend to.

Q. It has been testified before the committee that Mr. Eldridge, the president of the Erie railway company, drew from its treasury the sum of \$500,000 shortly before the last session of the Legislature, and that up to July last he had rendered no account of the expenditure of it; can you give us any information as to that? A. All I know about it is, that I was a member of the executive committee when the question was brought up, and was advised by the counsel that there had better be a fund set apart; all the counsel seemed to advise that, so that in case of any trouble, the lawyers would get their pay; I supposed in case of any trouble they were to use it, and if not, it was merely to be considered as a vote; they were trying to get a receiver for the money, and the lawyers all advised that it should be put somewhere where a receiver could not get at it, so that their bills might be paid; they all advised that, and I therefore voted for it; I was not then one of the executive officers of the company, and I had no knowledge of what was done with it; Mr. Drew was treasurer, and Mr. Eldridge was president; I was a director.

Q. Have you any knowledge or information as to whether that money, or any portion of it, was expended in Albany for purposes connected with legislation? A. No, sir; I have not.

Q. Have you obtained, since you were examined last, any knowledge or information as to the payment by the Erie Railway company of any money to or for any member of the Senate? A. I don't remember any thing; I think I went home the same day I was examined and did not come back.

Q. Have you any knowledge about the amount paid to Luther Caldwell last spring? A. No, sir, except by hearsay; I never employed Mr. Caldwell.

Q. You never heard from him any thing about it? A. I don't remember to have heard any thing; I remember to have met him once but I do not remember now exactly what he said.

Q. Do you remember his leaving Albany quite suddenly last spring? A. Yes, I remember his leaving; I never liked the man and I didn't have much to do with him; I kept aloof from him; I found him here when I came here.

Q. Did he tell you of his intention to leave Albany before he left?

A. It appears to me he told me he had to go down to attend a very important convention of printers in New York, I believe it was the Associated Press Convention; he is a member, I believe.

Q. Did he inform you that he was going to leave because he had been paid or arrangements had been made with him by the Vanderbilt party for leaving? A. No, sir; he did not give me any notice that he was about to leave for that purpose.

Q. Did he give you any notice that he had changed sides in the controversy? A. No, sir.

Q. Have you any information derived from the Erie board of directors as to the amount he had belonging to the Erie Railway company? A. I think Mr. Drew told me some thing about it; I don't remember what he said; I don't remember the amount; he asked me one day if I knew Caldwell; I told him I did not; he said he was a man who had been wandering up and down and said he could do wonderful things and some of them believed it; I didn't ask any other questions.

Q. Did you learn any thing about the amount he had in his possession, except from hearsay—did you hear it from any director of the company? A. I don't remember that I did; I may have done so; I know there was a good deal of talk pro and con, but I endeavored to know as little as possible about it; it was not my business; I was not an executive officer of the company, and I believe if you have got an agent you should give him full power, and hold him responsible for the consequences; that has always been my theory; I give an executive officer full power, and let him carry out his own theory, and if he fails let him be responsible for it; that was my view; I was a director, and I reposed my confidence in the executive officers of the company, and let them have their own policy and asked no questions.

Q. Do you know Lewis F. Payne, a harbor master in New York? A. I have met him; I never knew any thing of him.

Q. Did you meet him here in Albany? A. Yes, sir.

Q. Do you know how much money he had for his services, or for any purpose, while he was here? A. All I now about it is, that he came up to me with a very strong letter from some parties in New York, and he represented that he had been here when the first Erie bill was up—the one that was defeated—and he represented that he came up the last time, and had done a great deal of service, and I paid him five thousand dollars; very soon afterwards I found that before he came here he had already been paid five thousand dollars, making ten thousand in all: he came to me with a very long story,

to the effect that he had not been paid any thing. The next day I got a letter from New York, stating that they had sent up this man, who represented that he could do great things, and the letter said at the bottom, "Pay him nothing; he has been compensated." I had already paid him five thousand dollars the day before I got the letter, and saw that I had been swindled.

Q. Did he profess, that he could control or influence the vote of any senator? A. He represented, like all these fellows, that he had great influence; I didn't take much stock in it.

Q. Did he speak with reference to the senator from his district? A. Yes; he said he was very powerful there.

Q. You ascertained from inquiry I suppose, that that senator was opposed to the bill? A. I knew he was opposed to it all the time; I didn't believe Mr. Palmer was a man who could be influenced by him; still I didn't want any division with this man; I thought it was a good deal better to smooth him over and let him believe that he could do just what he said, though I didn't at any time believe that he could.

Q. You testified as to the payment to Mr. Brown, of Rochester, of one or two thousand dollars; was that payment made to him directly, or to some other person? A. It was not made to him directly; it was made to another person, and that person kept it and didn't say any thing to Brown about it.

Q. This last you learned from Brown? A. Yes, sir.

Q. Who was that person? A. It appears to me it was William King; I don't know whether it was him or not.

Q. Of Rochester? A. Yes; it was somebody around Rochester.

Q. It was paid him for the purpose of giving it to Brown? Yes; I had all sorts of men coming to me with stories that they had done such wonderful things, and in the case of some men where I was pretty well satisfied that they had come down here not expecting to get any thing, I thought it was fair that they should be paid for the service; I knew that Brown came here because there was a good deal of feeling up there in Rochester, and he came down of his own accord to use his influence; I had no conversation with Brown about this payment before my last examination; I felt very much annoyed when it came out that I had mentioned Brown's name, for I never had had a word of conversation with him on the subject; a party came to me and said that Brown had neglected his own business to come down here, and that it was only fair that I should give him some moderate compensation to requite him for his expense and loss of time, and whoever that party was I handed him the money; I think it was two thousand or one thousand dollars.

Q. You think it was William King? A. That may be the name; that is my best recollection; I never gave the matter any thought until Brown came to me.

Q. Have you known of money being paid since the last session on the part of the Erie Railway company, to reward the action of any senator on that bill, either directly or indirectly? A. No, sir.

Q. By Mr. NICHOLS: What is the occupation of Mr. Payne? A. I don't know; I understand he is a harbor master; I got a note from a very worthy gentleman, introducing him.

Q. What is the pay of a harbor master a year? A. I have no knowledge.

Q. Had Mr. Payne ever been in the employ of your company before? A. I knew nothing of him till he came up here.

Q. When you paid him the five thousand dollars, that was for services rendered while the first Erie bill was up, and for his supposed influence while the second was pending? A. Yes, sir.

Q. During how long a period of time, with reference to the first Erie bill, did you understand from him he had been in Albany? A. He represented to me, that he had been there all the time, and had had to travel and spend considerable money.

Q. Did he tell you how much money he had spent? A. No, sir.

Q. Who suggested the amount to be given to him? A. He asked it.

Q. Did you ask him what proportion of that he had already advanced or disbursed? A. No; he said he had disbursed considerable, but I don't think he gave me any statement of what he had disbursed.

Q. You paid him this sum at his request, and upon his representing what he had done? A. Yes, sir; and then this letter introducing him was from a very particular and intimate friend of mine, Bancroft Davis, and I gave it to him partly on that account.

Q. My object was to find out why the sum to be paid him was fixed at \$5,000. A. He told me he was making \$25,000 or \$30,000 a year, and being up here had been that amount of injury to him; he wanted more than that, but I told him \$5,000 was more than I could earn in a year.

Q. He said he was earning \$25,000 or \$30,000 a year? A. Yes, sir.

Q. After you paid him the money, the next day, you got a letter from New York stating, that he was coming up, and that you need not compensate him, as he had been compensated; when you learned, that he had received \$10,000, instead of \$5,000, did you have an interview with him at the Delavan House, in which you spoke of his



receiving this \$10,000, \$5,000 of it upon a false representation, and asked him to give you back the \$5,000, as having been obtained by him unfairly, and by suppressing the fact, that he had already received money for the same services? A. I had.

Q. What did he say in reference to that? A. He said he would be damned if he would, or something to that effect; it was very ungentlemanly and discourteous.

Q. As you sit there in your chair, Mr. Gould, have you no knowledge within \$5,000 or \$10,000—we are not particular about a few thousand dollars—have you no knowledge, within a few thousand dollars, as to the sum taken out and disbursed by the Erie Railway company with reference to this legislation last winter? A. No, sir.

Q. In your own mind have you no knowledge? A. No, sir, I could not tell you.

Q. You have a belief as to what it was—you have your own speculations as to the amount, have you not? A. I might make a guess, but my connection here was very brief indeed; the whole machine had been run here before I came up, while I was very sick; I never inquired into it; I thought it was a good deal better I should not know.

Q. By the CHAIRMAN: This five thousand dollars paid to Payne was paid in cash, was it not? A. Yes, sir.

Q. Did you know any thing about his being made good, besides, on some Erie stock that he held? A. I never heard of it.

Q. Have you now any knowledge or information, derived from any party professing knowledge, as to the payment or promise of money to any senator, or to any person for any senator, to influence or reward his action or vote in reference to the Erie railway bill? A. No, sir.

Q. Were you applied to by any member of the Senate for money or for reward for action or vote upon this measure? A. Not that I remember of now.

Q. Mr. Drew testified that Mr. Graham, of the Senate, applied to him for a letter to you; was any application made by him, or any intimation by him to you, that he desired any money or reward from the Erie company? A. Not that I remember.

Q. By Mr. NICHOLS: You know Senator Graham? A. Yes, sir.

Q. By the CHAIRMAN: You would be likely to remember it, would you not, if he had done so? A. Yes, sir; it appears to me I have heard that Drew wrote a letter to me, and I think I remember getting a sort of letter, but I could not read a word of it; it was in Drew's handwriting, of which you cannot make out any thing; I think I did get one letter, but could not make it out, and never

knew what it meant or what was in it, because it was impossible to read it; I think he afterwards told me that he had written me a letter about some senator, and I expressed great surprise, and did not remember that I had received the letter; I looked it over with some other persons that were with me, and we could not make out a word of it; it was written in such a style that none of us could find out what it meant; I think it was a letter introducing Graham.

Q. Did you know Senator Graham before? A. No, sir.

Q. My question was in relation to any application made by him. A. No, sir; he never made any; I think, in justice to Senator Graham, however, I might state, that I have heard, that he and Drew are not friendly; I think I have heard, that there was some old matter between them, and that neither of them feels well toward the other.

Q. By Mr. THAYER: It has been testified, that \$500,000 was taken by Mr. Eldridge to Boston, and there is no proof before the committee, that any part of that amount was returned to the company, or has ever been returned to the company, and there is no account of that up to the time that Mr. Drew left the company; has there been any account rendered for that \$500,000 that was set aside for counsel fees — any detailed statement, or any money returned, of that \$500,000? A. Not since I have been treasurer; but I understand that Mr. Eldridge settled it all up.

Q. You never have seen the statement? A. No, sir; I have never seen the statement.

Q. Have you ever examined the books? A. I have only examined the books to see whether there was any account of any disbursements at Albany; I have no doubt, that Mr. Eldridge has made a settlement in reference to the \$500,000.

ALBANY, *February* 16.

The committee met at Congress Hall.

*Henry Thompson* sworn; examined by the CHAIRMAN:

Q. You reside in New York city? A. I do.

Q. And are one of the directors of the Erie railway? A. Yes, sir.

Q. Were you in Albany a portion of the time during the session of the Legislature of 1868? A. Yes, sir.

Q. You know Luther Caldwell? A. I do.

Q. Did you know of his having money furnished him by the Erie Railway company, or by the directors of the Erie Railway company? A. Yes, sir, I knew of his having money.

Q. How much did he have? A. I don't know how much.

Q. Have you any means of stating approximately how much? A. I cannot say I have.

Q. Did you give him money yourself? A. I did, sir.

Q. How much? A. I gave him ten thousand dollars.

Q. Where? A. In New York.

Q. Do you remember at what time? A. No, I do not remember the date, but it was before the Senate bill was introduced or reported.

Q. Was that all that you furnished him? A. No, sir; it was not all.

Q. State the whole amount? A. I paid him some money and afterward gave an order for the money to Jay Gould, so that I cannot say he had it.

Q. In whose favor was the order drawn? A. Jay Gould's.

Q. For how much was it? A. I do not remember the amount; it was over fifty thousand dollars. I drew an order on Caldwell in favor of Jay Gould.

Q. What information had you in regard to Caldwell's having the money in his hands before this order was drawn? A. This was not money belonging to the Erie Railway company; it was my own money.

Q. Explain a little more fully in reference to the order of which you speak? A. I gave this money to Caldwell for the purpose of general use; there was no specified purpose for which it was put in his hands, but it was to take charge of this bill, and afterwards Mr. Gould came up here for the purpose of the bill; I had nothing to do with the Senate bill myself in any way, and when Mr. Gould came up here after I had given Caldwell this money, I gave Mr. Gould an order on Caldwell for this money; what he did with it, or whether he paid it to Mr. Gould, I don't know; I know nothing further about it than that.

Q. By Mr. NICHOLS: How much did you give Mr. Caldwell, besides this ten thousand dollars? A. I don't know exactly; it was over fifty thousand dollars, altogether.

Q. Was this order that you gave to Gould to get back this amount of over fifty thousand dollars from Caldwell? A. Yes, sir.

Q. By the CHAIRMAN: You state that that money which you gave Caldwell was your own money? A. Yes, sir.

Q. For what purpose was this paid to Caldwell? A. There was no specified purpose; it was to enlist him and others in support of this bill.

Q. In what way? A. In creating public opinion through the press, etc.; that was the general idea.

Q. Was any paper given you by Mr. Caldwell—any receipt? A. No, sir.

Q. Any written contract between you of any kind? A. No, sir.

Q. Do you know whether that money was paid by Caldwell to Gould, or to any person? A. I do not know whether it was or not.

Q. Do you recollect stating to General Diven that Caldwell had received something like one hundred thousand dollars, and had kept it and left the State? A. No, sir; I never said that to Gen. Diven.

Q. Have you any knowledge of Caldwell's having money, except what you have stated here? A. No; that is all I know about it personally; I have heard about his having a good deal of money.

Q. From whom—from any person professing to know about it? A. Yes, sir.

Q. Who told you? A. Jay Gould told me.

Q. What amount did he tell you had been given? A. Equivalent to ninety thousand dollars.

Q. Did he tell you what Caldwell had done with it? A. No; I think he told me Caldwell said it wasn't money.

Q. What was it? A. New York Central stock, I understood, but I might be mistaken about it.

Q. From whom was that received? A. I understood it was received from what was known as the Vanderbilt party.

Q. Did Mr. Gould tell you of Caldwell's having money from your side of the controversy? A. No, sir.

Q. Have you any knowledge or information upon that subject, except as you have stated? A. No, sir; none at all.

Q. Did you use your own funds to the extent you have mentioned to promote the passage of this bill? A. I did, for the time being.

Q. Has that been repaid you? A. Yes, sir.

Q. By whom? A. By the Erie Railway company.

Q. You say that no specific purpose was mentioned for which Caldwell was to use that money? A. No, sir, not any at all.

Q. Did he make any professions of being able to use it to pass the bill? A. Well, yes, generally.

Q. Did he make any specific professions? A. No, sir, none at all, with the exception that he thought he could have great influence with the press throughout the State. He was a press man himself, I believe—connected with the press—and he thought he could manage the press.

Q. Have you any knowledge or information as to how that money was actually disbursed? A. No, sir.

Q. Or whether it was disbursed for the Erie railway? A. No, sir.

Q. Do you know Lewis F. Payne, harbor master in New York? A. I know a man by the name of Payne—I suppose it is the one you mean—that is, I have seen him.

Q. Did you pay money to him? A. Yes, sir.

Q. What amount? A. Five thousand dollars, I think.

Q. For what purpose was that paid? A. I don't know, sir; some one sent down to New York and stated that he could do a good deal of good up here in regard to this bill and wanted him to come up, and they sent for him and he came to me and wanted me to make good some losses he had on stock; he said he would not come otherwise.

Q. By Mr. THAYER: Erie stock? A. I think very likely it was, but I do not remember; he said he would not come up here unless this loss was made good.

Q. By the Chairman: It was not five thousand dollars besides making this stock good? A. No, sir: Five thousand dollars for that purpose.

Q. What was the inducement to pay him this amount of money, what service was he expected to render as an equivalent for it? A. I don't know, sir.

Q. Did he make any pretensions to you or any profession of what he could do with it? A. Not any at all.

Q. Did you pay this to him of your own motion or at the suggestion of some other director? A. I paid it of my own volition; I was informed that he was a very useful man to come up here and had some connection by which he could be made very useful; I expect I was a little astray about it, but that was the opinion I had at that time; I think there was a man by the name of Van Valkenburg, and whether he told me or told Diven and Diven told me I cannot say, for I did not know him then but have seen him occasionally since, but he came and said that it was very necessary that this man should come to Albany, and somebody or other had sent for him, I cannot tell exactly who it was, and he told me that one of the employees or attachees of the road could get him to come here; so I sent for him and he came and told me this story about losing this money, and said he would not come to Albany except his loss was made good.

Q. Did you give him a letter of introduction to Gould when he came up? A. I do not remember whether I did or not; I may have done so; I think very likely I did send him to Gould, because Gould had charge of that bill.

Q. Did you pay money to any other persons than those two? A. No, sir.

Q. Did you know of money being paid to any other parties on the part of the Erie railway? A. In conjunction with this matter?

Q. I mean at Albany with reference to the enactment of this Erie bill. A. I didn't have any thing to do with it, or with paying any

moneys, except this of which I have told you; Gould came up here and took charge of this bill.

Q. Did you see any money paid here or any check given at Albany, in connection with this matter? A. I don't think I did in connection with the passage of this bill.

Q. In connection with legislation at Albany in reference to this bill? A. No, sir, I don't think I did.

Q. Either before or after its passage? A. No, sir, nothing connected with legislation at all.

Q. Any thing connected with the passing or signing of this bill? A. I didn't see any money paid at all connected with the passage of the bill, unless the payment of this money to Payne you consider in that connection.

Q. Did you see any money paid in connection with the bill, or with reference to the bill? A. I do not know how you mean in reference to the bill; I cannot answer the question very well in that way.

Q. As to the passing or the signing of that bill? A. I guess I shall not answer that question.

Q. Why not? A. I don't think that that is within the range of your inquiry, as I understand it.

Q. You decline on that ground? A. Yes, sir.

Q. By Mr. NICHOLS: You say you paid the first \$10,000 to Caldwell, before the bill was reported in the Senate? A. Yes, sir.

Q. Now, with reference to the time of the payment of the \$10,000, when did you pay this other larger sum? A. It was some time subsequent; I could not tell at what time.

Q. Was it after the bill was reported? A. I am not sure about that.

Q. Was it before its passage by the Senate? A. Yes, sir; a long time.

Q. In reference to both of these payments, your answer is, that there was no agreement or specific understanding as to what the money was paid for, except, that he was to go to work through the press and create public opinion? A. No, sir; nothing further than that.

Q. With the exception of the \$5,000 you paid to Payne, under the circumstances you have related, and these two sums to Caldwell, you yourself have paid no other money? A. No, sir; not in connection with this bill; I disbursed some money, but it was entirely foreign to this bill; I disbursed some money, but it was for counsel, and to several individuals, before the Senate bill was reported; before the House bill was reported.

Q. For counsel in looking after the bill? A. Yes, sir; it was in connection with the House bill; I do not suppose this testimony ought to go into the examination, but there was nothing about it except, that I gave various parties some money there; some of them were retained in the interest of the company by the advice of Mr. Cagger, for instance, people outside the legislature entirely, and some others by the advice of other parties, but it was before this Senate bill was reported, a long time; I think the Senate bill was a part of the minority report of an investigating committee, if I recollect aright.

Q. By Mr. THAYER: Did Caldwell ever give you any account of this money? A. No, sir.

Q. By Mr. NICHOLS: Do you remember what day of the week the bill passed the Senate? A. No; I do not.

Q. Do you remember what day of the week it passed the House? A. My impression was, that it was early in the week; I should think on Monday.

Q. Do you remember how many days after that it was before the bill was signed? A. It was signed within a day or two, I think.

Q. During that interval between the passage of the bill in the House and the day of signing, were you in Albany? A. I think I came to Albany after the passage of the bill; I think I was coming up to Albany, and heard of its passage immediately before reaching the boat.

Q. Were you here at the interval between the passage of the bill in the House and the signing by the Governor? A. Yes, sir.

Q. Did you remain here after it was signed? A. My impression is, it was signed the same day I left, but later in the day.

Q. What time in the day did you leave? A. I think I went by rail.

Q. About 3:40, I suppose. A. I believe I went earlier than that.

Q. By the Chairman: Did you see any payment made, after this bill was reported in the Senate, and before it became a law, to any person, except in payment of counsel fees, and except as you have testified, on the part of the Erie Railway company? A. No, sir.

Q. Did you see any payment made after that time, with reference to the enactment of this bill, except as you have testified, for counsel fees and expenses? A. No, I should say not.

Q. By Mr. THAYER: Can you tell how much money was expended in the aggregate by the Erie Railway company in connection with the passage of this bill? A. No, sir.

Q. Do you know of Mr. Eldridge having five hundred thousand dollars for that purpose? A. No, sir.

Q. Or for any purpose in reference to legislation? A. No, sir.

Q. Were you in the executive board? A. Yes, sir.

Q. Mr. Drew testified that Mr. Eldridge took \$500,000, which [Senate, No. 52.]

was voted for legislative counsel fees? A. I think Mr. Drew is incorrect about it; the fund was appropriated to defend the company against this litigation, that is my recollection of it; I don't think there was any thing said about legislation in the resolution, of course that is a matter of recollection; it was a separate fund which we could command for the purpose of paying the cost of litigation.

Q. By the Chairman: Did you have any interview with any members of the Senate while the bill was pending with reference to its passage? A. No, sir; never; I do not think I ever spoke to a senator about it; I am quite confident that I never did.

Q. Have you any knowledge or information, in regard to any senator receiving or applying for, or being promised or offered any money for the support or opposition of the Erie Railway bill? A. No, sir.

Q. Haven't you told ex-Senator Murphy, who is present here, that you saw twenty thousand dollars paid to a person in Albany? A. I don't remember of telling him so, and if I did, he had no business to tell any body of it.

Q. But in regard to whether you did or not; I understand you to decline to answer whether you saw twenty thousand dollars or any amount of money paid, other than what you have stated? A. I have seen twenty thousand dollars paid a good many times.

Q. Did you or did you not, see twenty thousand dollars paid in the city of Albany to any person, with the view of securing the enactment of the Erie Railway bill into a law? A. If you will excuse me I should like to understand what the definition of the word enactment is as you use it.

Q. A bill is not enacted, as I understand, until it has passed both Houses of the Legislature and is signed by the Governor. A. I shall answer the question as I did the question before.

Q. That is, you decline to answer? A. Yes, sir; on the ground that I do not think it is pertinent to the inquiry in which the committee are engaged.

Q. By Mr. NICHOLS: If you saw any such money paid, it was after the bill passed both houses, was it? A. I haven't said that I saw any money paid.

Q. Did you see the sum of \$20,000, or any other sum, paid to any senator or any body in Albany with reference to the passage of this bill, directly or indirectly, before it passed the two houses of the Legislature? A. No, sir.

Q. You decline to answer a certain question; now, as I understand, that is with reference to what took place after the bill had been acted upon by the two houses; your declension does not cover any ground previous to that? A. I take the position in regard to this question



that I understand Mr. Davis did the other day, and that is, that he was ignorant of the matter and could not answer; and I understand he declined because he did not think it was a proper question for the committee to ask.

Q. By Mr. NICHOLS: Your declension to answer has reference to the time prior to the Senate and Assembly having got through with this matter; in other words, you do not decline to answer in reference to any payments that you saw made prior to the passage of the bill through the two houses? A. No, sir.

Q. So that your declension covers the period between the time of the passage of the bill by the two houses and its becoming a law by the signature of the Governor, or any subsequent time? A. Yes, sir. [The resolution authorizing the committee read to witness.]

Q. By the Chairman: Have you any knowledge or information derived from any party professing actual knowledge as to the subject matter of this resolution? A. No, sir, I have not.

On motion of Mr. THAYER, it was resolved that the chairman of the committee state to the Senate that Mr. Thompson had been examined before the committee, and that the committee is satisfied that he intended, by his absence, no disrespect to the Senate, and therefore ask that he be discharged, he being in the custody of the sergeant-at-arms, on an attachment issued by the Senate.

*Thomas Murphy*, sworn:

Q. By the Chairman: You reside in New York city? A. Yes, sir.

Q. You were formerly a senator from that city? A. Yes, sir.

Q. Were you here last winter, engaged in advocating the passage of the Erie bill? A. No, sir; but I sympathized with the advocates of it.

Q. You did advocate the passage? A. In general conversation.

Q. Have you had any conversation with any of the directors or officers of that company in relation to the payment of money to secure the passage of this bill? A. Not to secure the passage of the bill.

Q. With reference to the bill? A. I can state in a very few words what I know about it; I was at a meeting of the Union League club, previous to last fall's election; the object of the meeting was to raise funds to aid the Republican party in the campaign, and to pay the necessary expenses; a gentleman stated there that the Erie Railway company had given the Democratic party \$100,000; the next morning at the State committee, and also at the national committee rooms, we were talking it over, and some members of the State committee, and, I think, one of the national committee, asked me if I would not go, on their part, to see Mr. Gould, and see if he would not do as well for the Republican party as he did for the Democratic party, which I volunteered to do, and did do; I had a

former partner of Mr. Fisk with me; I saw Mr. Fisk and told him that I felt the Republican party had saved the Erie railway last spring, and that a statement was made in the Union League club the night before, that the Erie railway had given the Democracy \$100,000 to carry the State against the Republican party, which I did not think was just as it should be, and asked if they would not do the same for the Republican party.

Mr. Fisk did not wish to speak on that subject for the road, and asked me to wait and see Mr. Gould, whom he expected there in a few minutes; I saw Mr. Gould and made the same statement to him, and he told me that he had a consultation with Mr. Vanderbilt a few days before, and that Mr. Vanderbilt had said to him that he had not aided either party, and Mr. Gould said he intended to pursue the same policy; after further discussion about it, I told him that this statement was made and publicly circulated, and that the great Republican party of the State of New York would believe that the money was given, and that they would not feel very well towards the Erie railway, provided the State should go against the Republican party by a small majority—that they would think it was the Erie railway that had carried it against them; the result was that he asked me to call and see him again the next morning about ten o'clock, which I did; he then said he had made up his mind to pursue the same policy that he spoke of the day before, and that he would not aid either party; "But," said he, "I believe I said to you last fall if you would help us, that I would aid the party when the time came, and if necessary stump the State;" while the bill was here pending he had written me two or three notes, which I threw into the fire, and I told him I was entirely with him, seeing the Democracy on the other side, but if he intimated any pay for my services I should probably be on the other side, and then he spoke of aiding the party in power; he finally said to me, at the last interview of which I was speaking, "but I have given twenty thousand dollars for the Republican party." Said I, "Have you? If I had known that I should not have come here, Mr. Gould; whom did you give it to?" He said he gave it to Mr. Harris. Said I, "Within thirty days?" "No," said he, "not within thirty days." "Well," I said, "then it was not for the Republican party." "No," said he, "it was for Fenton."

I stopped my conversation; he said he had given \$20,000 and my mission was ended, and I went back to the State Committee room. When I had gone down to see Mr. Gould, Mr. Harris, Mr. Low and Mr. Terwilliger were there. When I came back I saw Mr. Low and Mr. Terwilliger and asked for Mr. Harris and they told me he

had gone to Albany. I told them what Mr. Gould had said to me; I told the State Committee; the Executive Committee, I think it was, of the State Committee were present at the time. That was the only conversation I had with any body in regard to the Erie railway; when Mr. Gould promised to aid the Republican party in the fall, and the other conversation when he told me he had aided it.

Q. Did you have a conversation with any other director about it?

A. Yes, sir; I told this story to Mr. Thompson, walking up Broadway some two or three weeks ago, one evening, and he told me he was present when \$20,000, in two checks of \$10,000 each, was paid to Mr. Harris, and that Mr. Harris said the bill would be signed within two or three hours from that time, and it was signed within two or three hours of the time he said it would be; I asked if Mr. Harris had been paid any thing for his services before that and he said, yes; I know he has told others the same thing and therefore I feel at liberty to mention it.

Q. Had you any other knowledge in regard to the subject? A. No, sir; I had not.

Q. Or in regard to the subject-matter of the resolution under which the Committee is acting? A. None whatever, except what I have stated.

*William M. Graham*, being duly sworn, testified as follows:

Q. By the CHAIRMAN: Mr. Graham, you are senator from the 10th district? A. Yes, sir.

Q. Have you read the testimony of Daniel Drew? A. Yes, sir.

Q. Please state what the facts are with reference to the matters testified by Mr. Drew. A. I was going down to New York one day — I went that way to come to Albany — and knowing that Mr. Drew and his friends were in Jersey City, and that they had left the State, in fact, I had some curiosity to go there; I went there and found him in, and had a talk with him; he commenced by telling me that he was situated the same as if he was in prison, and that he might as well be locked up as remain where he was, because he was kept away from his home and family, and he mentioned how long he had been there; he went on and spoke in reference to this bill, and asked me if I supported the bill, I told him that I did, because my district was located on the line of the road, and I had always been a friend of the road, and expected to vote for the bill; in his testimony, he speaks of some other person being there with me; there was no person went there with me, but there were some other persons there whom I do not remember now; when he speaks of some other person in connection with me, he must make a mistake, for I went there entirely alone; there was no person with me, but there were persons there whom I knew, at the time.

Q. Did you state to Mr. Drew, in that interview, that you could get money on the other side, or any thing of that kind? A. No, sir; I have no recollection of any conversation of that kind taking place between us; I am certain that I did not state that.

Q. Did you intimate to him in any way, directly or indirectly, that you expected or wanted any reward for your position in reference to this bill? A. I did not, sir; I had no talk with him in reference to any thing of the kind.

Q. Have you any knowledge or information derived from any one having knowledge as to the subject-matter of this resolution, as to whether any parties interested in supporting this measure, paid, or offered to pay, any members of the Senate for their vote upon this bill? A. No, sir; I have no personal knowledge whatever; I have heard nothing but the flying rumors of the time.

Q. You have no knowledge yourself, or information derived from any other persons professing to have knowledge? A. No, sir; neither.

Q. You have no information from any persons who would know of any application being made by any senator for pay or reward? A. No, sir.

Q. It has been testified, that there has been some personal feeling or difficulty between you and Mr. Drew. A. There was a difficulty between him and me; he got quite offended at some transaction, and telegraphed me several times to come down and see him; I have been in the room where Mr. Drew was since this bill was passed, two or three times, and he has not spoken to me.

Q. Did you request Mr. Drew to write any letter of introduction to Jay Gould for you? A. No, sir; I knew Mr. Gould before I went there.

Q. He testified somewhere, that you proposed to write a letter and let him sign it; is that the fact? A. No, sir; I understood him, that he wanted me to take a letter to Mr. Gould, but he said he was going to write a letter and send it to Mr. Gould.

Q. Did you have any conversation with Mr. Gould in any way in reference to reward or compensation for supporting this bill? A. No, sir; I never talked with Mr. Gould upon the subject of reward, or any thing of that kind — myself or any one else.

The committee adjourned.

ALBANY, February 22d 1869.

The committee met at Congress Hall.

*Jay Gould* recalled:

Q. Examined by Mr. NICHOLS: You have read the testimony of Mr. Murphy? A. Yes, sir.

Q. Will you state the conversations which took place between you and Mr. Murphy? A. Just before the election, as I was coming up

in the afternoon to see our Boston boats leave at pier 40, I met Mr Murphy, with Mr. Fisk and Mr. Belden; Mr. Fisk spoke to me first, and told me that Murphy wanted me to make a contribution; Murphy then took me one side, and said that he wanted me to give one hundred thousand dollars—that with that he could secure the election of Griswold; he said he thought it was better that I should not appear as giving it myself, but that he would give a little supper party, and would give the money himself, and that after the election was over he would then tell Griswold who had given it; I took the ground that I had never given any money to any committees—whatever I had done, I had done for prominent individuals of both parties; he was very persistent, and just as we were driving off in the carriage, he said he should come down to the office in the morning to see me; in the morning he came down according to appointment, sent in his card, came in, and I told him that I had concluded not to give any thing; that is all the conversation I had with him.

Q. Did you state to him that you had given twenty thousand dollars to Mr. Harris, for Mr. Fenton? A. No, sir; I had no conversation with him on the subject; I did not exchange five words with him; Mr. Fisk was present all the time; he came in, and I was busy, and I just said that I had thought the matter over and concluded not to give any thing.

Q. Was Mr. Fenton's name used in the conversation? A. No, sir.

Q. By the Chairman: Had you ever given twenty thousand dollars to Mr. Fenton, or to Mr. Harris for him, or any thing of the kind? A. No, sir; I have been informed, through the stenographer, of the substance of Mr. Murphy's testimony, and have come voluntarily to make this denial; Mr. Murphy speaks also of some letters; the only note I ever wrote Mr. Murphy was last winter, when he came to me and said that a certain prominent gentleman in the State would probably be the next candidate for Governor, and he wanted me to give him a letter, stating that if he received the nomination I would contribute twenty thousand dollars towards his election, which letter I gave him; that is the only letter I ever wrote him.

Q. When was that? A. That was last winter.

Q. I understand that you did not give this sum or any sum, for the use of Governor Fenton, directly or indirectly, at any time? A. Yes, sir; that is what I say; I had always understood from the first, that Governor Fenton was in favor of the bill.

Q. You have been told the substance of Mr. Thompson's testimony, in regard to the repayment of money which was advanced by him to Caldwell? A. Yes, sir.

Q. Did you return that money to Thompson? A. No, sir.

Q. Was any money repaid to you by Caldwell? A. No, sir; Mr. Thompson gave me a sealed note to Mr. Caldwell when I came up here, and I handed it to him; the contents I never knew; in fact, instead of handing it to him, I left the note with the clerk, at the office of the hotel; he never mentioned any thing to me about it, except, that after Caldwell ran away, Thompson asked me one day if Caldwell paid me any money; I told him no; he said, "I gave you a letter to him;" "Certainly," I said, "I took it up and delivered it; the contents of it I never knew;" he said he supposed that the letter was not sealed.

Q. Do you know any thing about the repayment to Thompson of the money? A. I never knew any thing about it; the only communication I ever took to Caldwell from him was the sealed one.

*James Fisk, Jr.*, sworn :

Q. By the Chairman: You are one of the directors of the Erie railway? A. Yes, sir.

Q. Were you present at the interviews spoken of by Mr. Gould, between Mr. Murphy and Mr. Gould? A. Yes, sir.

Q. Did you hear what was said between them? A. Yes, sir, I heard the most of it; I was close to them.

Q. Please state the substance of the conversations. A. Before the interview Mr. Belden, whom Mr. Murphy refers to, who was a partner of mine under the firm of Fisk, Belden & Co., and is a member of the Union League, came to me and wanted to know what position we were taking in regard to the coming election for Governor; I told him that I had but little to do with political matters and knew nothing about them; Belden said that at the club the evening before they had been saying, that our corporation or Mr. Gould's had given a large sum of money to the other side, and that a Mr. Murphy was coming to see Mr. Gould, to prevail on him to do something for the Republican side; I should think it was two or three days after that I was up at the steamboats and Mr. Belden came in with a smooth-faced gentleman, whom he introduced to me as Mr. Murphy; Mr. Murphy took me in one corner very confidentially, and said that he had got the right arm of power on his side and that all he wanted now was, not particularly our help, so much as to join us with him, so that he could be of assistance to us; he seemed to convey the idea to me that it was an arrangement that was all understood that we were to pay \$100,000, in return for which we were to receive great benefit from the Republican party in any thing they might want to do; I said, "Mr. Murphy, I don't know any thing about it; I think this whole thing is a set-up job from beginning to end; I don't think Mr. Gould or any body else has ever thought of doing

such a thing;" while we were talking Mr. Gould drove up and came in; I then introduced Mr. Murphy to Mr. Gould, and before he talked with him I took Mr. Gould one side; I told him what Belden had told me; upon that Mr. Gould sat down, and I should think he talked with Mr. Murphy five minutes, after which we went out into the carriage and drove away; as we started to go away Mr. Murphy made the remark that he would call again at the office; in the morning, about ten o'clock, we were in our front room and Mr. Murphy came in alone; Mr. Gould said to him, regarding the matter of which they had been speaking, that he could not do any thing more about it, and turned on his heel and walked away.

Q. Was any thing said by Mr. Gould regarding having given any sum before? A. No, sir; Mr. Murphy had said to me, that he understood, that Mr. Gould had given \$100,000 to the opposite side; I told him I was confident it was entirely a mistake.

Q. Did Mr. Gould claim in the conversation, that he had given \$20,000 for Governor Fenton or any other Republican? A. No; there was no mention made of any thing of the kind.

Q. Were you at Albany during the session last winter? A. No, sir; I was not.

Q. Have you any knowledge of any sums being paid by the Erie railway, or on behalf of it, to influence legislation? A. I have not.

Q. Have you any information derived from any person professing to have knowledge of it? A. I have not, any more than the rumors I have heard.

Q. Did you know any thing about the payment of money to Luther Caldwell? A. No, sir; I did not.

Q. Do you know any thing about the payment to Lewis F. Payne? A. No, sir; I never heard the name before to my knowledge.

Q. Did you have an interview with any member of the Senate last winter in regard to the passage of the Erie bill? A. No, sir; I remember seeing Mr. Mattoon, while we were in Jersey, come out of the parlor at the hotel, as I stood at the door, and Mr. Drew introduced me, and he passed down stairs; I had no conversation with him.

Q. Have you any further knowledge in regard to the subject matter of this inquiry? A. No, sir, nothing.

Q. Have you any information of any money being paid since the adjournment of the Legislature as a reward for any vote or action of any person in the Senate? A. No, sir.

*Hamilton Harris* sworn:

Q. By the CHAIRMAN: You are a counsellor-at-law, and reside in this city? A. Yes, sir

Q. You have acted as counsel for Mr. Gould and for the Erie railway? A. Yes, sir, for over a year past.

Q. You have read the testimony of Mr. Murphy? A. Yes, sir.

Q. Please state your knowledge concerning the matter. A. Mr. Gould never gave me any money or checks for Mr. Fenton, and I never gave or paid to Mr. Fenton any money or checks whatever, in any manner; Mr. Gould never gave me any checks there excepting those to pay me for my services, and those which he gave me upon banks in New York to get cashed for him here; it is probably true that I predicted that the bill would be signed at a certain hour by Governor Fenton, and that it was signed at that hour; it required no sagacity, however, on my part to do so, as it was publicly announced by the Governor himself the day before the bill was signed, after the argument was closed between the counsel opposed to the bill and myself, that he should probably have to sign the bill; upon the Governor announcing that, the counsel opposed to the bill wished the decision delayed until the next morning at ten o'clock, in order that a communication might be made to parties in New York, to which request he acceded; at ten o'clock next morning I was summoned by one of the counsel of Mr. Vanderbilt to appear before the Governor, and there another request was made to postpone action for another hearing and argument; finally, the Governor said he would postpone it until four or five o'clock that afternoon, but no further, unless some better reason was shown than had been why he should not then sign the bill; this was publicly announced by the Governor, and I have no doubt I may have repeated it, but I did not make the statement in connection with any checks, or any thing of the kind; I have no recollection of Mr. Gould's having given me two checks of ten thousand dollars, for any purpose, at one time—to get cashed or otherwise; I do not think he did, and no checks were handed to me, in connection with this bill, for or for the use of Governor Fenton, in any shape or manner, at any time.

Q. By Mr. NICHOLS: Nor for the use of the party prior to the signing of the bill? A. No, sir.

Q. Was any money paid to you, at any time, to reward anybody for the passage or signing of the bill? A. No, sir.

Q. Have you any knowledge on the subject of this resolution as to the use or promise of money in the Senate to influence the action of senators? A. No, sir; no knowledge whatever.

Q. I understand you to say, that whatever checks were handed you by Mr. Gould, were for the purpose of getting cashed here, except those for services? A. Yes, sir; I think there were two or three checks handed me to pay for some other counsel in the city; I



think I was the medium to employ two or three counsel, and the medium to pay them ; no checks were handed me, except to pay my services, and the services of other counsel, and for the purpose of getting cashed, as before stated.

Q. The checks you speak of getting cashed were checks on New York, which were handed you by Mr. Gould to get the money from Albany banks for him ? A. Yes, sir.

The committee adjourned.



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